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ETHICAL VALUES IN HISTORY[1]

CIRCUMSTANCES deprive me of the honor of presiding over this meeting of the American Historical Association to which your kindly appreciation has called me, but at least I can fulfil the pleasant duty of addressing to you a few words on a topic which is of interest to all of us, whether students or writers of history. In this I do not pretend to instruct those whose opinions are, to say the least, fully as mature and worthy of consideration as my own, but merely to contribute to a discussion which will probably continue as long as men shall strive to bring the annals of the past to the knowledge of the present.

One whose loss we all deplore and whose memory we honor as perhaps the most learned and thoughtful scholar in the English-speaking world — the late Lord Acton — in his well-known Cambridge Lecture, has formally placed on record his opinion on ethical values in history when saying, "I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong. The plea in extenuation of guilt and mitigation of punishment is perpetual. At every step we are met by arguments which go to confuse, to palliate, to confound right and wrong, and to reduce the just man to the level of the reprobate. The men who plot to baffle and resist us are, first of all, those who made history what it has become. They set up the principle that only a foolish Conservative judges the present time with the ideas of the Past; that only a foolish Liberal judges the Past with the ideas of the Present."

[1] The President's address to the American Historical Association, December 29, 1903.

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The argument with which Lord Acton justified this exhortation to his students presupposes a fixed and unalterable standard of morality, together with the comfortable assurance that we have attained to that absolute knowledge of right and wrong which enables us to pass final judgment on the men of the past, secure that we make no mistake when we measure them by our own moral yardstick. Every foregone age has similarly flattered itself, and presumably every succeeding one will continue to cherish the same illusion.

I must confess that to me all this seems to be based on false premisses and to lead to unfortunate conclusions as to the objects and purposes of history, however much it may serve to give point and piquancy to a narrative, to stimulate the interest of the casual reader by heightening lights and deepening shadows, and to subserve the purpose of propagating the opinions of the writer.

As regards the inferred premiss that there is an absolute and invariable moral code by which the men of all ages and of all degrees of civilization are to be tried and convicted or acquitted, a very slender acquaintance with the history of ethics would appear sufficient to establish its fallacy. It would be overbold to suggest that morals are purely conventional and arbitrary, yet anthropological research has shown that there is scarce a sin condemned in the Decalogue which has not been or may not now be regarded rather as a virtue, or at least as an allowable practice, at some time or place among a portion of mankind, and no one would be so hardy as to judge, with the severity of the Hebrew law-giver, those who merely follow the habits and customs in which they have been trained. We regard the gallows as the rightful portion of him who slays his fellow-creature for gain, yet who among you would inflict the death-penalty on the head-hunter of Borneo? You would condemn the superstition which leads him to glory in the deed, but your conscience would acquit him of personal guilt, for he but follows the tradition of his race, and he may, in all other human relations, lead an exemplary life. The actor in a Corsican vendetta is not to be judged as a common murderer, although his life may rightly pay to society the forfeit arising from his being the survival of an older and ruder civilization.

Race, civilization, environment — all influence the moral perceptions, which vary from age to age; while the standards of right and wrong are modified and adapted to what, at the moment, are regarded as the objects most beneficial to the individual or to the social organization. At one time these may concern the purity or advancement of religion; at another, self-preservation or the welfare

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of the clan or the nation ; at another, personal well-being and the development of industry as a means to that end. Whatever stands foremost in any given period will be apt to receive special recognition from both the ethical teacher and the law-giver. It is to legislation that we must look if we desire to understand the modes of thought and the moral standards of past ages ; and a comparison of these with those now current will show how unstable and fluctuating are ethical conceptions. We are unable to conceive of vicarious punishment as justifiable, yet Hammurabi in some cases slays the innocent son and lets the guilty father go scatheless. To us the idea of levirate marriage is abhorrent, but it has been regarded as legally a duty by races so far removed from each other in origin and distance as the Hebrew and the Hindu. Among the Hebrews the severest of all penalties was lapidation, which was reserved for the most atrocious crimes. Of these — omitting sexual aberrations, which we need not consider here — Thonissen enumerates eight — idol-worship, consecration of children to Moloch, magic and divination, blasphemy, Sabbath-breaking, cursing a parent, and disobedience to parents. Examine our modern codes, in which these have either disappeared or are treated as comparatively trivial offences, and you will be constrained to admit that crime is largely conventional, dependent not on an eternal and imprescriptible moral law, but on the environment in which a portion of mankind happens at the time to be placed. To the Hebrew priest the preservation of his religion was the one essential thing, and no penalty was too severe for aught that threatened its supremacy.

So it was in the middle ages when the priest erected a similar standard of morals, claimed for it the sanction of divine law, and compelled its insertion in statute law. No character in medieval history stands forth with greater lustre than the good St. Louis of France, yet, if his faithful biographer de Joinville is to be believed, he held that the only argument which a layman should use with a heretic was to thrust a sword into him ; and we know by authentic documents that he fostered the nascent Inquisition and had no scruple in enriching his treasury with the confiscations resulting from the burning of heretics. We of to-day are not lacking in religious convictions, though we are learning the lesson of toleration ; lapidation and the stake for opinion's sake are abhorrent to us, but who among us would feel justified in applying Lord Acton's formula and condemning the Hebrew or St. Louis when we feel that they acted on profound conviction ? No English jurist has left a fairer record than Chief Justice Hale, yet he calmly sent to the gallows poor old women for witchcraft, such being the law of the land to

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which he gave his hearty concurrence. Would you condemn him as you would a modern judge? Voltaire has sufficiently shown the use that may be made of thus trying one age by the standards of another in his mocking sketch of David, the man after God's own heart.

It may perhaps be urged that in thus asserting the temporary and variable character of morals we are destroying the foundations of morality in general and the eternal distinction between right and wrong. This is begging the question, for it presupposes that there is a universal and inflexible standard of morals. Such there may be, like the so-called Law of Nature of the scholastic theologians, but the history of mankind fails to reveal it, and the truest test of any period is the standard which it made or accepted, for this shows, better than aught else, whether it was a period of progress or one of retrogression. Speculations enough there have been among philosophers, ancient and modern, as to the origin of the conception of what we call sin and righteousness, which would lead us too far from our subject to discuss here. Suffice it to say that what we find current around us is merely the result of the finite wisdom of our ancestors adapting themselves to the exigencies of their surroundings. We have fortunately inherited the noble ideals of the School of Hillel, broadened and deepened and rendered applicable to all mankind by the teachings of Christ. We have accepted them in theory for well-nigh two thousand years, yet only within a century or two has there been any serious effort to reduce them to practice; and that effort thus far has been more significant in its failures than in its successes. There is ample work before us in laboring for their embodiment in our daily lives, and we can well afford to cast the mantle of charity over those who in fact have been only one or two steps behind us in the application of the Sermon on the Mount.

Meanwhile, as connected with our subject, we may reflect that there is some truth in the distinction drawn by the casuists between material and formal sin — the sin which a man commits in ignorance being venial, while that which he does knowingly is mortal. This doctrine is not without its dangers, and Pascal has exposed the unmoral results to which it may lead in skilful hands, but, for our purpose, it may be borne in mind when we feel called upon to pass judgment on historical characters. It makes the human conscience the standard of conduct. If a man does wrong, conscientiously believing it to be right, he is justified before God; if he does right believing it to be wrong, he is condemned. Roughly speaking, in a region so full of pitfalls for unwary feet,

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the theory of invincible ignorance, though liable to abuse, is not to be overlooked.

Thus far, I have sought briefly to show that Lord Acton's dictum is defective in principle. As regards its practical application, I presume that you will agree with me that history is not to be written as a Sunday-school tale for children of larger growth. It is, or should be, a serious attempt to ascertain the severest truth as to the past and to set it forth without fear or favor. It may, and it generally will, convey a moral, but that moral should educe itself from the facts. Characters historically prominent are usually so because they are men of their time, the representatives of its beliefs and aspirations; and they should be judged accordingly. If those beliefs and aspirations lead to evil, the historian should seek to trace out their origin and development, and he can, if he so chooses, point out their results; but he should not hold responsible the men who obeyed their consciences, even if this led them into what we conceive to be wrong-doing. It is otherwise with those who have sinned against the light vouchsafed to them, for to condemn them is simply to judge them by the standards of their time.

In other words, this is merely to apply the truism that the historian should so familiarize himself with the period under treatment that, for the time, he is living in it, feeling with the men whose actions he describes, and viewing events from their standpoint. Thus alone can he give us an accurate picture of the past, making us realize its emotions and understand the evolution of its successive stages. This is the true philosophy of history, and from this the reader can gather for himself the lessons which it teaches.

To depart from this and to inject modern ethical theories into the judgment of men and things of bygone times is to introduce subjectivity into what should be purely objective. We all of us have our convictions — perchance our prejudices — and nothing for the historian is more vital than to be on his guard against their affecting his judgment and coloring his narrative. Above all things he should cultivate the detachment which enables him soberly and impartially to search for and to set forth the truth. He may often feel righteous indignation — or what he conceives to be righteous — but he should strenuously repress it as a luxury to be left to his reader. Moreover, he should beware of theories; for when a theory once takes possession of a writer it renders him an unsafe guide and inspires reasonable distrust. The historian who becomes an advocate or a prosecutor instead of a judge forfeits his title to confidence, and, if he aspires to be a judge, he should not try a case by a code unknown to the defendant.

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Perhaps this somewhat dry disquisition can be rendered more interesting by a concrete example; and for this I know of none fitter than Philip II. of Spain, whose character has exercised so many brilliant pens. Our eloquent Motley, who represents him as a monster with scarce a redeeming trait, says that "To judge him, or any man in his position, simply from his own point of view, is weak and illogical. History judges the man from its point of view. It condemns or applauds the point of view itself. The point of view of a malefactor is not to excuse robbery and murder. Nor is the spirit of the age to be pleaded in favor of the evil-doer at a time when mortals were divided into almost equal troops" (*History of the Netherlands*, I., 6). This is the language of a partizan and not of an historian; and the writer is blind to the inference to be drawn from another remark, "That monarch considered himself born to suppress heresy and he had certainly been carrying out the work during his whole life-time" (*Ibid.*, I., 257).

Now Philip II., as an abstract object of contemplation, is in no sense an attractive figure. In all that awful sixteenth century there was perhaps no one who wrought, directly or indirectly, so much of human misery, no one who was more ready to supplement open force with secret guile, no one who hesitated less to resort to corruption or, if needs be, to murder. To the historian who is content with the surface of things, it is easy to condemn him offhand and to adduce ample evidence in support of the verdict — the execution of Montigny, the assassination of William the Silent and of Escobedo, the terrors of the Tribunal of Blood, the horrors of the rebellion of Granada, the stimulation of the wars of the League, the systematic bribery by which he bought the secrets of every court in Europe, to say nothing of the satisfaction which he derived from the spectacle of his own subjects in an *auto de fe*. All this is true, and to the superficial observer it may seem idle to say a word in extenuation of so black a catalogue of misdeeds. Yet the student in earnest quest of truth may reasonably pause and ask himself whether Philip is to be held morally responsible for all these crimes, whether he was a mere bloodthirsty tyrant who rejoiced in the infliction of suffering on his fellow-creatures and revelled, like the Emperor Claudius, in witnessing human agony; or whether he was the misguided agent of a false standard of duty, and conscientiously believed himself to be rendering the highest service to God and to man. If the latter be the case, we must acquit Philip of conscious guilt, and reserve our censure for the spirit of the age which misled him. If Elijah is praised for slaying in one night four hundred and fifty priests of Baal, how is Philip to be condemned for merely utilizing

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larger opportunities in the same spirit? Does not, in truth, the difference lie only in the question, Whose ox is gored? Even in the assassinations which he ordered he had the assurance of his confessor, Fray Diego de Chaves, that a prince was fully authorized to take the lives of his subjects without process of law.

When, in fact, we analyze his reign, we find that the enforcement of religious unity was the primary motive of his public career, and that it was the object of almost all the acts for which we are asked to condemn him. For three hundred years it had been the uncontested rule in both church and state that the obstinate dissident, or heretic, was to be put to death by fire. Even men of the largest Christian charity accepted this as one of the eternal verities, and he who ventured to question it became himself a heretic who must either recant or share the same fate. Heresy was not only a sin, subject to spiritual animadversion, but a crime visited with capital punishment by all the secular codes of Europe. Pity were better invoked for the murderer or the highwayman than for the heretic; for the heretic was the slayer of souls, while the ordinary criminal affected only the body or the purse. With the outbreak of the Reformation, the threatened disruption of the unity of faith inflamed to the highest pitch the zeal for its preservation, though we need not pause to inquire how much the lust of worldly power and wealth disguised itself under the striving for the salvation of souls. When dynasties depended on dogmas, religion became of necessity the most absorbing of public questions, and the self-deception was easy which clothed secular ambitions in spiritual garments. In the passions of the tremendous struggle each side was equally sure that it alone possessed the true faith, which was to be vindicated with fire and sword. If the canon law required sovereigns to put heretics to death, Luther in 1528 subscribed to a declaration of the Wittenberg theologians prescribing the same fate for those whom they classed as such. If Paul IV. in 1555 decreed that all who denied the Trinity should be pitilessly burned, even though they recanted and professed conversion, he but followed the example which Calvin had set, two years before, in the case of Miguel Servet. If France had her Feast of St. Bartholomew, Germany had led the way in the slaughter of the Anabaptists. If Spain had her Inquisition, England in 1550, under the reforming Edward VI., created a similar organization, with Cranmer at its head, and Ridley, Miles Coverdale, and other eminent Protestants as inquisitors, to seek out, try, and punish dissidents, and to abandon to the secular arm those who proved to be obstinate. Motley fell into grievous error when he asserted that in the six-

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teenth century "mortals were divided into almost equal troops" concerning the "spirit of the age." Those whom he represents as struggling for freedom of conscience only wanted freedom to coerce the consciences of others, as was shown in 1566 by the Fury of Antwerp, and in 1618 when the Synod of Dort sat in judgment on the Remonstrants. How the Calvinists shared the "spirit of the age" is well expressed in John Knox's exulting declaration that in 1561, before the arrival in Scotland of Queen Mary, "the Papists were so confounded that none within the Realme durst avow the hearing or saying of Masse then the thieves of Tiddisdale durst avow their stouth or stealing in the presence of any upright judge." The Massachusetts law of October 19, 1658, under which Quakers were put to death on Boston Common, suffices in itself to show that this conception of public duty was not confined to one race or to one confession of faith.

This was the inevitable result of the deplorable doctrine of exclusive salvation, which rendered the extinction of heresy a duty to God and man. To its abandonment by Protestantism is attributable the gradual spread of toleration. To its retention by the Latin Church is ascribable the Ordonnance of May 14, 1724, under which, so late as 1762, Rochette, a Pastor of the Desert, was executed, merely for performing the rites of his religion. It is, moreover, the inspiration of the encyclic of 1864 in which the kind-hearted Pius IX. ordered every Catholic to condemn the error that a man is free to follow the religion which his reason dictates.

The embers which thus are not yet extinct were burning fiercely in the sixteenth century, and into its superheated fanaticism Philip II. was born in 1527. The very air which he breathed in childhood and youth was surcharged with all the elements that made persecution a supreme duty and toleration a denial of God. His tutor was a narrow-minded bigot, Martinez Siliceo, rewarded in 1541 with the see of Murcia, and in 1546 with the primatial dignity of Toledo, where he distinguished himself by forcibly introducing the rule that no cathedral preferment should ever be conferred on one who had the slightest trace of Jewish or Moorish blood. Under such guidance, in such environment, and with the example before him of his father as the champion of Catholicism, it was impossible for a youth of Philip's sickly frame, limitations of thought, sluggishness of intellect, habitual suspicion, and obstinate tenacity of purpose to be other than what he was. When he succeeded to the great Spanish monarchy and found himself the most powerful sovereign in the civilized world, with authority stretching from the North Sea to the Mediterranean and from the farthest Atlantic to the Indian

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Ocean, he could scarce fail to regard himself as the instrument selected by Providence to defend the true religion and to overcome the powers of evil which had risen to supplant the Kingdom of God. He could not but feel that this enormous power had been entrusted to him for a purpose, and that it carried with it a correlative obligation to employ it for that purpose. To borrow the happy phrase of Major Hume, he felt himself to be the junior partner of God, and in carrying out with unswerving resolution the plans of God he was answerable to no human judgment.

If, in the performance of this supreme duty, he found or deemed it necessary to employ craft and cruelty, treachery and corruption, he was but combating the adversaries of God with their own weapons — weapons, indeed, which the statecraft of the age had rendered familiar to all, and which were sanctified by the cause to which they were devoted. The maxims which Machiavelli had formulated with such cynical clearness were utilized by others to gratify the lust of vulgar ambition; should he be debarred from using them when interests were at stake superior to all worldly possessions? Nor, indeed, is the present age entitled to cast the first stone at the sixteenth century, when we consider the duplicity and the contempt for human rights which have continued to mark the career of statesmen from that time to this, save perhaps in the matter of assassination, which has been abandoned to anarchism.

Apart from religious convictions, moreover, Philip as a statesman might well feel it to be his supreme allotted task to preserve in his own dominions the unity of faith which at the time was, reasonably enough, regarded as the absolute condition precedent of internal peace. Religious differences were not mere academic questions to be debated in the schools with more or less acrimony. We need not pause to ask against whom the responsibility for this is to be charged, and we may be content to accept the fact that in the passionate zeal of the time there was nothing which so deeply stirred popular feeling or lent more bitterness to civil broils than the theological issues which to-day arouse an interest comparatively so faint. Philip might well look upon the internal wars of Germany and France as a warning to keep his own territories free from the pestilent innovators, whose claim to exercise freedom of conscience included the right of resistance to any authority that denied the claim. To him they were perturbators of the public peace, potential rebels who at all and every cost must be prevented from gaining a foothold if the prosperity of the state and the divine right of kings were to be maintained. In the earlier years of his reign the growing disquiet of the Netherlands emphasized the importance

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of this precaution and, in the latter part, the fierce struggle which exhausted his resources demonstrated the necessity of strangling heresy in the cradle.

Human motives, as a rule, are complex: pride and ambition doubtless had their share in those which urged him on his course, especially when he nourished vain hopes of establishing a daughter on the throne of France; but religious conviction and the welfare, temporal and eternal, as it was then regarded, of his subjects were ample to impel him along the course which he had inherited with his crown and for which he had been carefully trained. Philip at least was no hypocrite using religion merely as a pretext. The sincerity of his faith cannot be called into question, and, if his favorite vice was licentiousness, the dissociation of religion and morals is too common an anomaly to excite special incredulity. The keen-witted Venetian envoys concur in admitting his piety, although their experiences at his court were not such as to propitiate their favor, and they were by no means blind to his defects. Perhaps the severest characterization of him is that of Gianfrancesco Morosini in 1581: "His temper is cruel, although he covers it with zeal for justice. He was never known to pardon a criminal, even his own son. He shows no affection for his children and no sign of regret at the death of his nearest kin. He is a great observer of religion, but is very vindictive. Yet he manifests no signs of it, and there is a proverb in Spain that between the king's smile and a knife there is little to choose."

A portion of this unflattering characterization is justified by Philip's treatment of his erstwhile favorite, Antonio Pérez, who had abused his master's confidence and had misled him into ordering the murder of Escobedo; but in other respects the habitual Spanish self-control, the studied repression of all exhibition of feeling under an exterior of kindly courtesy, deceived the Venetian, for Philip was in reality a most affectionate father. No one can read his familiar letters to his daughters, girls of fourteen and fifteen, written during the cares of his conquest of Portugal in 1581 and 1582, without recognizing a most unexpected side of his character, while his allusions to their letters to him show that the family intercourse was delightfully intimate and unreserved. His solicitude as to their welfare is extreme; he relates whatever is passing around him that he thinks will amuse or interest them; there is no sermonizing, but only the unaffected expression of a love that is sure of reciprocation. When he commences a long letter, June 26, 1581, by saying that he had been unable to write on the previous Monday, and now, in order to prevent a similar omission, he begins before taking up

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the business that will probably occupy him until late, we recognize that he did not allow the cares of state to choke up the fountains of mutual affection. Even more unlooked for are the references to Madalena, an old serving-woman who scolds him and threatens to leave him when he does not please her: on one occasion she had promised to write to the girls but had not shown herself; perhaps wine was the cause of this, but if she knew of his suggesting such a thing she would make him smart for it. Altogether this revelation of the *vie intime* of Philip and his family gives us a more human conception of the gloomy monarch whom we are accustomed to picture to ourselves as ensconced in the Escorial, toiling through the midnight hours in scrawling notes on ever-accumulating despatches and interminable *consultas*.

The unaffected tenderness of the relations between Philip and his daughters throws some light on the tragedy of Don Carlos, which has been used so effectually to blacken Philip's memory. Nothing but a sense of the most absolute necessity would have led him to deprive his son of the succession, which would have relieved him of the burden of royalty. Sickly and suffering, indolent by nature, and fond of country life, if he had had sons fit to govern, Sigismondo Cavalli tells us, in 1570, that he would have abandoned to them all affairs of state and have retired to the Escorial. Unfortunately, Carlos by his wayward excesses had long forfeited the affection and confidence of his father when in 1568 he was confined. From his early years he had been an object of dread to all who looked forward to his future reign. At the age of twelve, Federigo Badoero describes him as bright and quick, but fierce, passionate, and obstinate; when small animals such as rabbits were brought in from the chase, he took delight in roasting them alive and watching their agonies; at a still earlier age, when he learned that the marriage-treaty between his father and Mary of England provided that the Netherlands should descend to their issue, he declared that he would not submit to it but would fight his future half-brother; and he wrote to Charles V., then in Brussels, and asked to have a suit of armor made for him. As he reached manhood, the curse of insanity, which he inherited from his great-grandmother Queen Juana *la loca*, developed into actions manifesting his dangerous unfitness for the throne. At the age of twenty-two he one day shut himself up in his stables for five hours, and when he came out he left twenty horses maimed with the most brutal cruelty. The slightest cause of displeasure provoked threats or attempts to poniard or to throw out of window, irrespective of the dignity of the offender. In one of his midnight sallies through the streets of Madrid, a little

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water chanced to fall upon him, when he ordered the house from which it came to be burned and its occupants to be put to death; and his servants only evaded his commands by pretending that when they went there for the purpose they were prevented by finding that the holy sacrament was being carried in. When to these evidences of a disordered brain we add the unpardonable indiscretions manifested in the conduct of public business in which Philip was endeavoring to train him, we may imagine how the father might well shudder at the prospect of his vast monarchy, the bulwark of the Catholic faith, falling into such hands at a time when all constitutional barriers had been broken down and no check existed to curb the impulses of the sovereign. He might well fear also for his own life; for Carlos had avowed mortal hatred of him, and in a nature so violent and ungovernable that hatred might at any moment express itself in acts. Yet what to do with a successor to whom the estates of Castile had already sworn allegiance was a problem to tax to the utmost the wisdom of the king and his advisers. Simply to declare him incapable of succession, to ask the córtes to revoke their oaths, and to await the birth and maturity of some more promising heir would merely be to invite insubordination and civil war, with the prospect that Carlos, if left at liberty, would execute the design which was the immediate cause of his arrest, of flying from Spain and raising Italy or Flanders in open revolt. The only practicable solution seemed to be to treat him as Queen Juana had been treated — to place him in confinement, where, in the course of six months, despair led him to commit such excesses of alternate gluttony and abstinence that his fragile and enfeebled frame sank under them. The cold impassiveness with which Philip watched the extinction of a young life that had opened under such brilliant promise invites criticism, but what was passing under that exterior trained to repress all manifestations of emotion none may guess. Paternal affection, it is true, had been chilled by the strained relations which had long existed; but the complications in his plans caused by the catastrophe must have been the severest of trials, and he doubtless sought consolation in imagining himself to be repeating the sacrifice of Abraham. Prescott, it seems to me, shows a curious blindness to the situation when he asks the question, "Can those who reject the imputation of murder acquit that father of inexorable rigor towards his child in the measures which he employed or of the dreadful responsibility which attaches to the consequences of them?"

It has been no part of my purpose to attempt the rehabilitation of Philip. I have simply sought to represent him as an ordinary

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man fashioned by influences which one may hope will wholly pass away in the course of human progress, although the *affaire Dreyfus* and the massacre of Kitcheneff show how the fires of the persecuting spirit are still occasionally rekindled in their ashes. To judge of Philip in this manner is not to approve, tacitly or overtly, the influences which made him what he was — what, in fact, he could not help being. These influences we may condemn all the more heartily when we see that they made of a man, slow of intellect but obstinate in the performance of what he was taught to regard as his duty, the scourge of his fellow-creatures in place of being their benefactor. We can, moreover, enforce this lesson by the fact that this perverted sense of duty proved a curse not only to those on whom he trampled, but to his native land, which he fondly imagined that he was guiding to the height of glory and prosperity. It had already been dangerously crippled by his father, whose striving for the universal monarchy was disguised by zeal for the faith. Philip's ardor in the extirpation of heresy not only wasted the millions which he drew from the mines of the New World, but exhausted Spain to a point that left for his successors a land of indescribable misery, of which the outward decadence but faintly reflected the internal wretchedness. Yet the principles which misled him survived him, and to the Spaniard of the seventeenth century Philip the Prudent remained the incarnate ideal of a Catholic prince.

It is not to be assumed that history loses, in the colorless treatment which I advocate, its claims as a teacher of the higher morality — if I may be allowed thus to designate some system of practical ethics superior to that in which we of to-day are groping somewhat blindly. To depict a man like Philip as a monster of iniquity, delighting in human misery, may gratify prejudice and may lend superficial life and vigor to narrative, but it teaches in reality no lesson. To represent him truthfully as the inevitable product of a distorted ethical conception is to trace effects to causes and to point out the way to improvement. This is not only the scientific method applied to history, but it ennobles the historian's labors by rendering them contributory to that progress which adds to the sum of human happiness and fits mankind for a higher standard of existence. The study of the past in this spirit may perhaps render us more impatient of the present, and yet more hopeful of the future.

As one of the last survivors of a past generation, whose career is rapidly nearing its end, in bidding you farewell I may perhaps be permitted to express the gratification with which, during nearly half a century, I have watched the development of historical work among

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us in the adoption of scientific methods. Year after year I have marked with growing pleasure the evidence of thorough and earnest research on the part of a constantly increasing circle of well-trained scholars who have no cause to shun comparison with those of the older hemisphere. In such hands the future of the American school of history is safe and we can look forward with assurance to the honored position which it will assume in the literature of the world.

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THE PODESTÀ OF SIENA

AMONG the almost infinite diversities which mark the constitutional evolution of the medieval communes of Italy, it is possible to distinguish three well-defined periods of development, through which they all passed. Having achieved self-government and virtual sovereignty under the magistracy of the consuls, they gave themselves a closer and more effective organization under the podestà, only to yield, shortly, to the demands of the great masses, arriving through the industrial arts at the consciousness of their dignity as political beings, and to inaugurate an epoch of democratic experiments unparalleled in fervor and abundance of life, unless we travel back to the old city-states of Greece and Sicily. Of these three stages the writer purposes to treat only of the second, marked broad with the name of the podestà, and of this magistrate to investigate his origin, functions, and decay, only within the frame of the political destiny of the single city of Siena. This town of southern Tuscany — Sena Vetus, Civitas Virginis, as the tender title ran, wherewith its sons commemorated it upon their seals and coins — lies among the foot-hills of the Maremma mountains, and its ancient walls, raised to shelter it against the power of the emperors and the still more formidable forces of jealous neighbors, yet enclose it, no longer, however, with their former air of challenge, but softly, lovingly, as though only concerned now to shield it against the disruptive agencies of a new and different age, plotting and threatening, vaguely but dangerously, somewhere beyond the line of the blue hills. When this city, its walls, towers, houses, and steep-tiled roofs flush red with the sunset, the home-bound native, mounting from the valley or winding along a neighboring crest, still looks up and mutters his exclamation of delight, and the chance guest from foreign parts, moved spectator of the scene, has suddenly borne in upon him some of the deeper meanings of that conservatism for which this commune was known even in the days of its splendor, and by means of which it has retained, as no other city of its size in all Italy, its medieval character. Narrow street and sunlit square, Gothic church and battlemented palace still bear witness to the general traveler of Sienese piety and love of home; to the student of history these characteristics reveal themselves in a particular way

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by a rich and admirably-managed archive, and by the numerous contributions and researches through which a handful of local students have sought to give currency to the documentary treasures of their past. Crown and summit of these is the truly monumental publication of the constitution of 1262 by Lodovico Zdekauer, with which that distinguished jurist has furthered historical investigation in the whole medieval field of Italy, and has poured a flood of light upon that official who forms the subject of this study — the podestà. It is this constitution which has brought the podestà out of the mists of time and has made him a definite historical figure. What follows is largely founded upon the materials contained in this vast publication.

The origin of the podestà at Siena can no longer be regarded as surrounded with impenetrable darkness. And owing to the general similarity of Italian communal conditions, it is no over-bold assertion to maintain that what is established for Siena in this particular is sure to have more or less close application to other towns. Perhaps it will not be entirely superfluous for the writer to state at the outset his point of view toward his material. It is too common to look upon the rise of the podestà as a violent interruption of what certain authors are pleased to call the democratic régime of the consuls, and as a kind of monarchical usurpation, which the people, after having suffered for a while, rising in their might, brought to an end. Although it would be ungracious to say a single word against good old Sismondi, who originated this theory, it is both necessary and proper to warn against the habit of mind from which flowed most of the errors of the Swiss historian. Following a tendency of his age, he crowded the facts of the past into the convenient compartments of modern political philosophy, with the result that the authority of his name has given persistent life to the above and to many other perverse and injurious views. Surely a more reasonable and temperate path to follow is to accept the podestà as a perfectly natural evolution, provided, as is every effect, with a sufficient cause. The present inquiry proceeds from this hypothesis and aims merely to set down in order all the material about him which the documents will yield.

In order to understand the conditions under which the podestà originated, we must go back to the consular régime, in which he had his roots. Although the documents for the era of the consuls are not nearly so plentiful as for the later period of the podestà, and therefore much room is still left for conjecture concerning the first period of freedom, nevertheless much accurate information is now at hand concerning the origin and functions of the consuls,

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chiefly through the remarkable contributions of Davidsohn. However, this article does not concern itself with the consuls; its business is with the podestà, wherefore it will not be taken amiss if the characteristics of the consular epoch, which affected the constitution of the podestà, are given here in rapid outline without an attempt at systematic evidence.

Toward the close of the twelfth century the situation was approximately the same in every Tuscan commune. The consular government was declining to its setting. Under its banner the young cities had done great deeds; they had put forward their claim to independence, and had heroically and successfully defended their young freedom against the barbaric régime represented by emperor and territorial nobility. But the consular government had perforce a loose, fortuitous character, corresponding to the haphazard conditions of its birth. Offices created or powers delegated to meet a newly-risen necessity were abandoned as soon as the conditions changed and the old necessity yielded to a new. That the first free government created on feudal soil was a rude and imperfect mechanism is not very astonishing, when we reflect that its artificers neither found help in their own practical experience, nor enjoyed the mental advantage of a long historical perspective, furnished in our own day by schools and libraries. Under these uncertain conditions the power fell naturally into the hands of the well-to-do, who combined with their riches, or rather possessed because of their riches a higher measure of enterprise and intelligence. Not that the commune is other than a democratic product, the achievement of the combined and harmonious action of all orders of citizens. But the masses seem to have yielded voluntarily, during these first steps in regions dark and unexplored, to the direction of their more influential fellow-citizens; and the superiority inherent in birth, wealth, and intelligence was firmly clinched by the fact that the first business of the new organization was to provide for its defense, and that, whenever the call to arms was sounded, only the wealthier citizens could provide horses and fight as knights or *milites*, whereas the common people, armed as their means permitted, had to content themselves to serve as foot-soldiers or *pedites*. The constitutional development of the commune in its whole first period (1100–1200 approximately) turns about the relation of these two classes—the two military orders, dividing between them the male population of every Tuscan town. It will be well to hold fast to this simple fact, and not to allow it to be obscured by a problematical social element, which some writers have elaborately exploited. We have been told frequently of a noble faction of Ger-

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man descent—heirs of the Teutonic conquerors—which was settled in all the Italian cities, and did its best to clog the wheels of municipal progress. The assumption of such a body of unassimilated foreigners in the commune of the twelfth century is based on a misunderstanding, and can contribute nothing to the solution of the constitutional problem. It will be found safer not to abandon the region of fact, and fact establishes that there were nobles resident within the pale of every commune from its earliest days of freedom, but whether they were of German or Roman descent rarely appears, and was a matter of indifference, the sole distinguishing feature of the privileged class being, as I have already shown, that it was composed of those citizens who, when the local army was called out, served as *milites*. This expensive military service was so exclusively the mark of nobility that commoners who had enriched themselves by trade to the point where they were enabled to ride to war on horseback were also regarded as *milites*. Doubtless they were snubbed at first, in the usual fashion, by the men of still older wealth, who looked upon themselves, in comparison with their upstart rivals, as an aristocracy of blood; but the rich were soon inseparably fused by virtue of their riches, without regard to the date at which they had acquired them, and at later times at least, were never distinguished, for common parlance and the law itself designated the descendants of all the great families of the consular era as *magnati*.[1] The *miles* was therefore the local noble, but the local noble owed his position not so much to birth as to wealth; and all the later popular fury which assaulted and finally brought him low, while in part, it is true, directed against his military and feudal habits incompatible with a democratic and commercial commonwealth, was more especially directed against a position of privilege founded upon material resources. It is becoming every day more and more clear that the key to the political revolutions of the Italian communes must be sought in the industrial situation,[2] and that the popular outcry against the noble was quite as much an attack upon the capitalist.

Here then, to recapitulate, are the features to be kept in mind of the first free or consular period of government. First, the institutions were in the experimental stage, and presented the picture of a hurried, haphazard, and faulty mechanism. Second, the power was in the hands of the wealthy class, who, because they rode to war on

[1] The most lucid explanation of how these early military divisions of the commune gave rise to the social and political classes is given by Davidsohn, *Geschichte von Florenz*, Band I., 685 ff.

[2] See the latest book which propounds this theory, Arias, *I Trattati Commerciali della Republica Florentina* (Florence, 1901).

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horseback, were called *milites* or knights, and gave themselves feudal and aristocratic airs. Third, the democratic movement, which had its beginnings in the consular era, although how and when is not entirely clear, was a protest on the part of the dispossessed against the privileges, both political and economical, of the noble class.

We turn now to the influences which led to the transformation of the government of the consuls into that of the podestà. This happened almost simultaneously all over Italy, but we are concerned only with Siena. The consuls of this town, always three at least in number, though often more than three, held their office for one year. They were appointed by the council — the meeting of the citizens or their delegates — and at the end of their term again reported to this body. Their administration was reviewed, and in case of malfeasance they might be severely punished. This process of audit, which was gradually extended to all other officials of the commune, was called *sindacamentum* (Ital. *sindacato*), was long retained, and is one of the most important institutional features of Sienese public life. Its existence during the consular era can be satisfactorily proved from the constitution published by Zdekauer, which, although it bears the date 1262, contains embedded in it, as the editor in his introduction shows, many of the earliest features of Sienese self-government.[1] One article[2] in particular shows how it was the practice with which we are here concerned — that of *sindacamentum* — which contributed to the replacement of the consuls by the podestà. We read that the podestà must solemnly swear to hold the consuls to their accounting. This passage, which in the year 1262 was without meaning, because the consuls had already been abolished for half a century, is plainly a survival from an earlier redaction of the constitution, and clearly gives a hint as to the earlier condition of affairs. Its meaning can be none other than that the podestà, before he crowded the consuls out of office, was called in temporarily, at the end of their term, to investigate their conduct. Probably the council came to consider itself unequal to the task of *sindacamentum*, or at least became impressed with the convenience of having the audit carried out by an appointee who had its confidence. Since there were here, as everywhere and always, people who had an ax to grind, the choice of this person, charged to act as supreme arbiter,

[1] The constitution of 1262 is of that year in the sense that it was transcribed on parchment in that year, not in the sense that the institutions which it enumerates and defines were then originated. On the contrary, Zdekauer brilliantly shows that many of them go back a century, and that most of them were created at the call of some necessity arising in the preceding hundred years.

[2] Distinctio II. 174: Et post depositum eorum officium constringam consules comunis et placiti, qui modo sunt, et omnes eorum officiales, ad rationem faciendam, *etc.*

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must soon have become a matter of the highest importance; and it is only natural that the council should have been prompted to look beyond the agitated sphere of city politics to some disinterested foreigner to fill the post. And it is no less natural that on finding such a foreigner, one who filled all the requirements, especially the one of non-partisanship, the council should have been inclined, not only to have him audit the administration of the consuls, but also to let him continue in office in their stead.

Here then is an interesting hint as to the means by which the podestà was introduced into the Sienese government, but, of course, this suggestion does not exhaust the matter. Other circumstances concurred to effect the change. The consulship, as a many-headed executive, had been proved everywhere to have its inconveniences. Division of authority among many fostered cliques and nourished feudal rancors[1]; and in case of war, the action of the city was weakened by conflicting counsel.[2] Finally, consolidation, the progress from a loose to a more compact organization, must have been operative here, as it would be with every active and ambitious commonwealth. The upshot of all these influences was that at the turning of the twelfth century all the Tuscan communities are found to be experimenting with the new office, and after a period of uncertainty, during which the choice fluctuates between consuls and podestà, definitely incorporate the new magistracy in their system.

According to the Sienese Chronicle of Andrea Dei,[3] the first podestà of Siena belongs to the year 1199. He was Orlando Malapresa of Lucca, therefore a foreigner. During the next two years, 1200–1201, Filippo Malavolti, a native nobleman, held the coveted post, while during 1202 and 1203 the consuls crop up once more, and in 1209[4] are again resorted to. As late as 1230 we find not one but two podestà. Here then may be observed a very uncertain practice, which seemed to be in no hurry to congeal into hard and fast forms. Out of the confusion so much is clear: shortly after 1209 the podestà became a fixture in Siena, and at the same

[1] Of this discord among the great families for the possession of the consulship the chronicles preserve a confused record. For instance in 1177 the city of Florence was partially reduced to ashes because of such a quarrel. See Hartwig, *Quellen zur Geschichte von Florenz, Annales Florentini*, II. 69 ff.; Davidsohn, I. 555 ff.

[2] That the weakness of the many-headed executive was understood is proved by the appointment in 1151 at Siena, for a brief period, of a kind of dictator, one Scudacollus. See Ficker, *Forschungen zur Reichs- und Rechts-Geschichte Italiens*, IV. 120.

[3] Published by Muratori, *Rerum Ital. Scriptores*, XV. The very valuable and ancient material in this chronicle has never been separated from its later accretions. Old and new are welded together in one confused mass. In its present state it must be used with caution.

[4] Ficker, IV. 220, 223.

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time opinion set definitely toward a foreign rather than a native choice. That the authorities, however, were unwilling to have their hands bound in this matter is proved by an article of the constitution of 1262, according to which the council, half a century after the institution of the podestà of foreign birth, still reserved to itself the right to decide each year whether the new podestà was to be a foreigner or a Sienese.[1] The end of this period of experimentation was that Siena, like all her neighbors, raised annually a foreign nobleman or *miles* to the post of chief executive, that is, instituted the *podestà forestiero*, whom she then retained under some form or other for a long time to come.

What were the functions of the new sovereign? The mantle of the consuls seems to have fallen so naturally upon the shoulders of the podestà that no evidences of any attendant revolutionary disturbances have come down to us. For such, indeed, it would be difficult to discover any adequate reason. The great families, fortified in the councils, controlled the destinies of the city in the consular era; with the podestà they introduced a small reform, affecting alone the supreme office in the state, and, for the rest, everything continued as it was. But the new ruler did not come into an absolutely undiminished heritage. The consuls being many and their functions numerous, they had been obliged to divide their duties among themselves, and one section — the *consules placiti*[2] — had presided over the *placitum*, or court of voluntary justice. These *consules placiti* were continued under the podestà — in fact, still existed, a strangely dwindled relic of the consular age, among the generations of the Renaissance. The other functions, however, that had been exercised by the consuls were taken over by the new official. To enumerate these functions in their plenitude, the podestà, as chief executive, carried out the legislative measures of the general council, and, above all, led the citizens to war; he was the head of the judicial system; and he had a not unimportant direct share in legislation, chiefly by his issuance of police ordinances or bans. These powers will be examined further on with more detail, when, with the constitution of 1262 in hand, we can exactly define his position at this later period; for the earlier period, for which no constitution exists to help us, suffice it to note, as above, that the podestà was the heir of the consuls, therefore the representative of the aristocracy in power, and that in addition to purely executive, he exercised also judicial and legislative functions.

[1] Constitution, I. 127.

[2] As to rights and duties, see their constitution, published by Zdekauer, *Il Constituto dei Consoli del Placito del Comune di Siena* (Siena, 1890).

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And now, having noted the fullness of the podestà's original powers, we are obliged to give attention to the great social and political movement that began almost simultaneously with the establishment of the new chief, and immediately threatened and assaulted his position and the hitherto unshaken dominion of the *milites*. The people — artisans and smaller tradesmen — enter upon the stage, resolved to win political recognition. For this purpose they organized, conscious that in their union lay their strength; and if the records furnished us the date of this event, we could fairly call it the birth-year of democracy, the new democracy, as we understand the term, in the city of Siena. The earliest document[1] that refers to a *societas populi senensis* is of the year 1213, but the chronicler Andrea Dei[2] speaks of a new military organization of the people as early as 1209, and, according to this same authority, the people in 1212 were already so bold as to raise a tumult against the nobility, which St. Francis of Assisi, who happened to pass through Siena about that time, gently interposed to quiet. Although the early development of the new society is, owing to the scarcity of documents, wrapped in some obscurity, its character and aims soon appear with sufficient clearness. The *societas* or *universitas populi senensis* made itself the rallying-point of the Sienese masses, who by being excluded from the legislative council, known in Siena as the Council of the Bell, were deprived of political rights. The commune, nominally an affair of the whole citizen body, was really the privileged possession of the councilors of the Bell, and of the officials whom the council appointed; and the *populus* was organized for the purpose of conquering the offices and the state, and administrating them for its own ends. It is to be constantly kept in mind that *populus* in this new sense means a political party, and must not be confused with the older use of the word people, designating not a class, but the entire body of residents. The plan of campaign of the people's party, if we may judge of its policy by its deeds, did not look forward so much to revolutionary action, as to a permissible political agitation. The Council of the Bell ruled, but its will was carried out by temporary committees known as *balie*, or by officials in offices that necessity had made permanent, but which at first had been nothing but *balie*. In this connection, it is well to be reminded that the consulship itself was in its origin only a *balia*, that is, an authority temporarily delegated by the meeting of the citizens. Now the leaders of the *populus* seem to have argued — at least the

[1] Zdekauer, introduction, xxxxiii.

[2] Muratori, XV.: E in questo anno (1209) si cominciaro a fare le campagnie per la città delle contrade. See also note: Ed era fra'l popolo e nobili gran nemicizia e (St. Francis) fè fare pace e unione fra loro.

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whole history of the party shows that this was the popular determination — that they should insinuate their own partizans gradually into the *balie* and offices, and end, not by overthrowing the commune, but by appropriating it.

The first great success was achieved in connection with the *Ventiquattro*, the Twenty-four. The first documentary mention of their existence is of the year 1238, when they are designated as *sindici et procuratores universitatis populi Senensis*.[1] Why, in view of this definite statement, Zdekauer should express the opinion that half of their number was of the noble class, is not clear. He cites in his support Paoli, but Paoli has no other evidence to offer than the incredibility of its being otherwise.[2] Until, therefore, some proof be forthcoming, it will be better to stick to the plain meaning of the Latin designation, and to look upon the Twenty-four as being recruited exclusively from the *populus*.[3] And, once established, the Twenty-four looked out zealously for the interest of their clients, and proceeded vigorously about that which was evidently their chief business, the conquest of the commune. In 1240 they forced their way into the Council of the Bell, not without serious resistance on the part of the conservative elements[4]; and if they did not immediately assume control of that body from that year, they grew in influence so rapidly that to the Sienese of a later time the whole period from the moment of their entrance into the council to their fall, occurring in the year 1270, seemed to be stamped with their name. It is reasonable to suppose, however, that they were not from the first that directive power in the council which they afterward became. There was, for instance, the podestà — in 1240 still a power to be reckoned with. But, on the other hand, the acquisition of power and influence began immediately, and continued without intermission until the offices, *balie*, and the state itself were, in

[1] Zdekauer, introduction, l. See also lxv.

[2] Paoli, "I Monti nella Republica di Siena," in *Nuova Antologia*, 1891. A statement in Andrea Dei (Muratori, XV.) under the year 1212 supports Paoli's view, but it is manifestly of fourteenth-century origin, and therefore of small weight. The announcement under the year 1233, "e fecesi in Siena e Ventiquattro," is far more trustworthy — a simple statement of origin, leaving the question of composition undecided.

[3] This view is ably defended by Salvèmini, as against Paoli and Zdekauer, *Arch. Stor. Ital.*, Serie V., Vol. 21, p. 371 ff. Further support of it is furnished by the title that the Twenty-four — whose political character had meanwhile suffered no change — use in the year 1256: XXIIII partis ghibelline *populi* civitatis et comitatus Senarum (Zdekauer, introduction, lxv). Another indication is found in a so-called *liber XXIIII*, being a list of those enrolled in the people's party (*Ibid.* lxxix). Why should the Twenty-four keep such a list, unless they were absolutely identical with the people's party? Also it is to be noted that the Twenty-four elect the captain of the people (*Ibid.*, I. 151). Would that business be entrusted to a committee, half of which are noblemen and enemies?

[4] Muratori, XV., under the year 1240.

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one way or another, directly or indirectly, inspired and dominated by the new will. It would take us beyond the scope of this study to set down all the evidences of this growth furnished in the documents. Suffice it here to give a bald enumeration of the more important advantages which they gained. Let the reader remember that every upward step of the *populus* buttressed the position of their agents, the *Ventiquattro*, in the council, and that, politically, *populus* and Twenty-four are one.

In 1242 the *libra* was extended to citizens outside the walls (*cives selvatici*).[1] The *libra* was the new tax-system based on movables and immovables, that is, it was a tax scaled according to a citizen's total wealth. It was introduced within the walls early in the century (Andrea Dei says[2] in 1202), and supplanted the feudal hearth-tax, which, falling alike on rich and poor, had been a manifest hardship for the latter. The *populus* naturally stood behind the more modern system of the *libra*, and every extension of its application over the Sienese possessions must be looked upon as a victory over the magnates. In 1253 the people, satisfied up to that time with the looser system of three rectors, corresponding to the three *terzi* or main sections of the city, gave themselves a closer organization by the election of a single head, called captain.[3] And now success follows success — an uninterrupted chain. From 1255 on we have the records of a firmly established Council of the People,[4] which legislates nominally for its own members, that is, for the party of of the people, but tries to force and soon successfully forces its ordinances upon the commune, thereby giving them the validity of measures passed by the Council of the Bell. In the same year (1255)[5] the *populus* deprives the podestà of his right of issuing bans, and in 1256 the *libra* is applied to the whole Sienese dominion.[6] And now the final triumphs: from the year 1257 one half of the *emendatores*, who are the *balia* or committee charged with the annual revision of the constitution, must be *popolani*[7]; in 1258 many of the officials of the people's party are already paid out of the city treasury, and therewith acquire a standing with the officials of the commune[8]; and in 1262 half of all officials elected in the Council of the Bell must be chosen from the party of the people.[9]

[1] Zdekauer, introduction, lxviii, 60.
[2] Muratori, xv.
[3] *Ibid.*
[4] Zdekauer, introduction xxv ff.
[5] *Ibid.*, lxxv, 70.
[6] *Ibid.*, lxxxiii.
[7] *Ibid.*, lxv, note 1.
[8] *Ibid.*, lxxxv, 81.
[9] Zdekauer, constitution, I. 518.

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These then are the leading steps by which the people's party invaded and took possession of the commune. Only one thing remained to be done, and that was to claim a share in the legislative privileges of the Council of the Bell. This pretension was satisfied about 1262, for in the constitution of that year the Council of the People is called to a common session with the Council of the Bell whenever any of the more important political and legislative projects are to be discussed.[1]

The bearing of this apparent digression, treating of the victorious campaign of the people's party and their twenty-four paladins, on the question before us, the question of the podestà, must leap into view. Till 1240 the podestà enjoyed undisturbed the full sovereign rights with which he had been endowed as the successor of the consuls. From that year, however, the year when the people introduced the Twenty-four into the Council of the Bell, his star began to pale. To distinguish: hitherto we have dealt with the podestà in his first period, the period of his undisputed sovereignty, extending from the beginning of the century to the year 1240; we have now to examine his decline, which from 1240 continued uninterruptedly until 1262 — a point at which we can conveniently halt, and with the constitution of that year before us, examine accurately into the position to which he had been reduced.

In the year 1250 Uberto dell'Andito, a Lombard from Piacenza, was podestà of Siena. He was a man of much political experience and great energy of will, and left an indelible mark upon the Sienese constitution.[2] The accidental character of the administration, the waste and loose ends which littered the offices of a government, building under stress of daily necessity and without a fixed plan, must have been abhorrent to him, for with more than common courage he undertook a thorough housecleaning. He brought into one book the scattered police ordinances[3] of the time (*banna renovata*), making therewith a beginning toward a regular criminal code, and he rendered an important constitutional service by a collection[4] of the statutes of the various offices of the state (*breve degli officiali*). The *banna* of a podestà could contain of right only such decrees and threats of penalties as had been duly voted by the legislative branch, but Uberto ventured to draw upon that discretional power inherent in every strong executive, and in many cases ventured to

[1] *Ibid.* See index, under head *consilium campane et populi.*

[2] See historical notice of him in Zdekauer, introduction, lxxi.

[3] Published in part by Puccinotti, *Storia di Medicina*, II. Leghorn, 1855.

[4] Published *in toto* by Banchi, *Arch. Stor. Ital.*, Serie 3, Tomo III., 1866. The publication both of *breve* and *banna* leave much to be desired. The originals are of course preserved in the Archivio di Stato at Siena.

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modify the fines established by law. His proceeding was quite in accordance with contemporary usage, but seems to have aroused the ire of the new power in the state, the *societas populi*. At any rate this party had no sooner acquired a more aggressive form by giving itself a captain (1253), than it abolished the podestà's power to exercise an independent judgment in the issuance of bans.[1] This occurred in the year 1255, and it seems probable that to the same year belongs the prohibition of the podestà's engaging in any secret practices with the constitutional committee.[2] The existing record of this prohibition is of 1262, when it appears in the constitution of that year (Distinctio I. 142), but it is safe to assume that it was adopted some years before, in the time of the popular agitation against the legislative transgressions of the podestà. The total effect of these measures was to strip the city sovereign from this time forth of all legislative power. Thus the extraordinary energy which Uberto dell'Andito brought to bear upon the state, and the many services which he rendered, may be said to have undermined by a process of reaction the office which he desired to strengthen.

But the *populus* was far from being satisfied. The effort to wrest the scepter from the aging sovereign continued, and was now directed upon his military power. In the first half of the century the podestà had led the army of the republic into battle, but now he had a rival in the captain, the opposition party's natural head. Just how such a double leadership, sure to be full of suspicion and bitterness, was in practice harmonized with the interests of the state, can now no longer be made out, but an important suggestion, at least, is furnished by the constitution of the year 1262 (Distinctio I. 221). Here we read that from a military point of view podestà and captain are exactly equal, for either one or the other, but not both, shall be chosen to lead the host to war. This provision, to be sure, is comparatively late, being of the year 1262,[3] but in a still earlier period there is evidence of the podestà's shaken military position, in his reduction, on one famous occasion, to complete military nullity. In the year 1260 the state of Siena was convulsed with its capital medieval crisis. The Florentines were on the point of taking

[1] See deliberation of the Council of the People, Zdekauer, introd., lxxv, note 5. This merely party measure was, according to the practice of the *populus*, afterwards imposed upon the constitutional committee of the Council of the Bell and incorporated in the constitution, where it is to be found, I. 181.

[2] It can be proved that the podestà interfered with the constitutional committee (*emendatores*) as late as 1230. See Zdekauer, introduction, xix, note 1. At this time such interference was entirely regular, and probably continued without protest on the part of anybody until the above-mentioned time.

[3] It is really an addendum to the constitution of 1262, and may therefore belong to one of the years immediately following.

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the city, when they were defeated just outside the walls at Montaperti. Here, if ever in the history of Siena, there was occasion for military leadership, and an opportunity for a sovereign of somewhat tarnished luster to revive a decaying prestige. But what do we find? The very name of the podestà of 1260, one Franciscus de Troysio,[1] is hardly preserved in the not unabundant records and chronicles that have come down to us,[2] and from these same sources we learn that the splendid victory of the Sienese was won under the leadership of the Count Giordano, King Manfred's vicar, and of Aldobrandino Aldobrandeschi, a Ghibelline nobleman of the Sienese sphere of influence. Since the podestà had no direct and visible share in the great triumph of Montaperti, it might be surmised that he made himself felt in other ways, for instance, in the political direction of the state. But this is disproved by the records, which concur to show that the governance of Siena in 1260 was entirely in the hands of the Twenty-four. The pertinence of the occasion for a capable and ambitious executive officer cannot be denied. That the podestà could not seize the convenient tide at the moment of its flood proves that he was moribund, and his decline an ineluctable consequence of the political evolution of Siena.

With legislative powers gone, with military powers sapped and dying, he might have retained a not unworthy position, if he had held fast to the political direction of the state. But this had passed, as the history of Montaperti shows, and as has just been said, to the Twenty-four, the *Signori Ventiquattro*. Already in 1260 they and they alone gave the city its political impulse, and this newly-won hegemony was fortified and secured in a hundred ways in the constitution of 1262. Its most vigorous expression is found in that article[3] wherein the Twenty-four are called upon to hold a secret meeting once a month, to determine, practically like a modern ministry, the new measures to be taken before the council for deliberation, and to be put into execution by the state.

Surely, comparing him with what he was in 1240, the podestà in 1262 presented a much-shrunken figure. Of his once ample

[1] This is the form of the name given in the letter of King Manfred, who sent him as podestà. See the letter of Manfred in Paoli, 76. The name has many variants. The chronicler Ventura spells it Troisi (Porri, *Miscellanea Senese*, 1844). *The Cronica Senese* gives the name as Trevizi (Muratori, XV.).

[2] The most readable of the chronicles on Montaperti are those of Aldobrandino and Ventura, both published by Porri, *Miscellanea Senese*, 1844.

[3] Zdekauer, I. 172. Other important advantages gained at about the same time and clinching the domination of the Twenty-four over offices and state are: The Twenty-four watch over the household of the podestà like a special police, and dismiss any member thereof on suspicion (I. 150); they elect the captain of the people (I. 151); there is an appeal to the Twenty-four from the decision of the captain (II. 167).

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rights there now remained to him nothing but the judicial functions, by reason of which he presided over certain courts, and a kind of honorary sovereignty, which he exercised as the executive agent of the legislative council and the visible symbol of the city's unity. In the constitution of the year 1262, with its sonorous legal phraseology, he still looms large, but if we look close we find that, though he reigns, he does not govern, being bound about and strait-jacketed with provisions and clauses that leave him hardly room to breathe.

In the famous constitution of 1262, to which the chronological development of our subject has now brought us, and in the light of which I purpose to examine in detail the position of the podestà at that time, Siena possesses a unique document. Constitutions and constitutional fragments of other medieval Tuscan towns there are, which antedate it by a generation and more, but no other constitution of the thirteenth century seems to have been so broadly and intelligently planned, or has come down to us in a more handsome form or in a more perfect state of preservation.[1]

From the keen and learned introduction which Zdekauer has prefixed to his publication of the document we learn how it grew gradually to its present bulk; that though it bears the date of 1262, being revised and approved in that year, it contains a nucleus which reaches back to the consular era of the previous century; and that hardly a year had passed since then which had not brought its small and patient increment. The original element, the seed of the constitutional plant, was the *breve*, a kind of summary of the obligations sworn to by the consuls on assuming office; as other offices developed in the young municipality, a *breve* was drawn up for them too; and finally, a fusion of all the *brevia* produced the general constitution on which the podestà, as the thirteenth-century sovereign, took the oath, and which was therefore frequently called by his name. Thus the constitution of 1262 could also be called — for such indeed it was — the *breve* of the podestà of that year. This evolutionary character of the document of 1262 should be kept in mind, and the error guarded against of looking upon the arrangements for the podestà as necessarily or even probably new provisions. There is furnished by many of the articles abundant internal evidence that they go back a hundred years and more. On the other hand, such as they stand, they were binding only upon the particular podestà for whose behoof they were drawn up, and together with the marginal adjuncts made by subse-

[1] Preserved at the Archivio di Stato, Siena—Serie degli Statuti, No. 2—and held in as high regard as the miracle-working relic of a Capuchin monastery.

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quent constitutional boards, the annually elected *emendatores*, were in actual force, until, at most, the year 1269. Tuscan constitutions in those days had a tentative and fugitive character, to a degree which invited the scorn and ridicule even of contemporaries,[1] and which to us moderns with our need of social guaranties seems to be nothing less than fury and sacrilege.

The podestà, like all officers of the commune, was elected in the Council of the Bell.[2] Three members, designated by lot, elected three others, who drew up a list of candidates and submitted it for approval to the council. This system, mixed of lot and election, was planned to secure the state against the intrigues of ambitious politicians. The candidate honored by the first place on the list was thereupon informed by special embassy, and, in case he accepted, had to be in Siena *in festivitate omnium Sanctorum* (November 1). The office was to last a year; the pay, though it might vary with each appointment, was exceedingly liberal. As there was yet no town hall — the present *palazzo pubblico*, one of the most noble public edifices in the world, was begun only toward the end of the century — he was given forty *libræ et non plus* for the rental of a private residence. Here he must dwell with his household (*familiares*), in which his special legal adviser (*judex*), a master of ceremonies or majordomo (*senescalcus*), and a knightly attendant (*miles*) were prominent figures.

Although expected to be in Siena on the first of November, and sworn in by the podestà shortly after his arrival, his term did not formally begin until January 1. The interval of two months was probably useful in acquainting him with the duties of his office and with the particular local conditions. But once in harness his work was by no means light. He called together the Council of the Bell, presided at its sessions, and was charged with the execution of all constitutional and legislative enactments. He held the honorary presidency of both the civil and the criminal courts, in direct charge respectively of the *judex comunis* and the *judex maleficiorum*. In these courts the practice was for the judge in charge

[1] See Dante, *Purgatory*, VI. 127–151:

> "Fiorenza mia, ben puoi esser contenta
> Di questa digression che non ti tocca,
>
> Quante volte del tempo che rimembre
> Legge, moneta, officio e costume
> Hai tu mutato, e rinnovate membre."

[2] The following facts about the podestà are all drawn from Distinctio I. of the constitution. The exact reference will be given only where the information furnished by the index is not sufficiently clear.

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of the trial to find the verdict, which the podestà then publicly announced, and carried into execution through his special police agents called *balitores*. In case of war he led the host, but this duty, as we have already seen, might also be delegated to the captain.

Very remarkable was the element of suspicion in which he was steeped, and the precautionary measures by which his independent activity was surrounded and checked. The podestà, we have learned, was a foreigner, largely because a foreigner might be supposed to bring an unprejudiced mind to bear upon the local feuds. It was all-important that he favor no section of the city nor any family interest, but remain aloof from and above the local political issues. This idea must have been constantly present in the minds of the constitution-makers. Besides they had to secure the city against any possible attempt of the annual sovereign to possess himself of power permanently. For all these reasons, he was harassed with the most astonishing police regulations. The constitution waxed very solemn on this head. Let his house be open and undefended; let there be no *portonarius* or *custos*. Further, there must be no secret conference at night; in fact, the podestà shall be in his house *post trinam pulsationem campane* (the curfew-bell) and leave it under no conditions except on business of the commune.[1] He must accept no present, for a present might be made to do the service of a bribe. He shall not even go so far as to feast any one in his house, and, of course, to accèpt an invitation to dine with a townsman was out of the question.[2] A curious evidence of the jealousy of the three city sections (*terzi*) is furnished by the article[3] prescribing that the successive podestà must reside in the *terzi* in rotation, thus favoring all alike; and the climax is reached in the suspicious vigilance that surrounded him and his household, in the measure already noted in another connection,[4] by virtue of which the Twenty-four could dismiss any one of his *familiares* the moment his attachment to Siena seemed doubtful to them.[5]

The natural conclusion of this rigorous surveillance was the *sindacamentum* — the revision already explained[6] — terminating his year of sovereignty. He had to pledge himself to stay in Siena eight days after the end of his term, when his administration was

[1] I. 169.

[2] I. 167: Et non comedan et bibam cum aliquo vel aliquibus civibus Senensibus, nec eos mecum vel ad mensam meam . . . comedere et bibere permittam.

[3] I. 171.

[4] Page 259, note 3.

[5] I. 150.

[6] Page 252.

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reviewed by the four *provisores* — the regular treasury officials — and every charge of misconduct preferred by any citizen whatsoever was carefully investigated. To give force to this measure, 200 *libræ* of his salary were withheld until the process of audit was closed and the accounts declared satisfactory.[1] A partial mitigation of these hard terms must have lain in the circumstance that the *sindacamentum* was not the podestà's special privilege, but was the common lot of all office-holders.

The podestà proved to have a long life and figured in the constitutional history of Siena for many generations to come. If we found his political direction of the state gone in the year 1262, he was none the less the titular sovereign. It is an evidence of the persistence of legal forms that this titular sovereignty is still conferred upon him half a century later by the constitution which bears the date of 1309–1310, though this document[2] makes it perfectly clear that the power in the state rests now with another body representing an entirely new experiment in government, to wit, the nine representatives of the merchant class, officially called the *Nove*. A special section (Distinctio VI.) in the constitution of 1309–1310 is entirely devoted to their functions. From the Twenty-four in the year 1240 to the *Nove* — the Nine — in 1309–1310, the political power in Siena had frequently changed hands, but in all that time, and especially from the year 1262 on, it cannot be said to have rested with the podestà. Still the old fiction of his supremacy survived in the laws, probably, first, because the Twenty-four, or the Thirty-six, or the Nine, however the successive bodies of control might be called, still had the need of an executive agent; and, secondly, because they found it convenient to conceal their partizan direction behind the knightly person of the podestà, who was surrounded with honors and ceremonies, and kindly consented to stand before the people for the one and undivided character of the state. Nevertheless such a fiction deceived no one, and, to the Sienese, the government of the city was, from the rise of the Twenty-four, with this body and with their successors and not with the podestà.

But yet another reason accounts for the fact that the podestà continued to exist, even when most of his earlier occupations had long been canceled. He had always had an honorary presidency in the two main courts, the civil and the criminal; as the need of an

[1] I. 149, 210, 520.

[2] The constitution of 1309–1310, in the Italian language, is a translation of the constitution of 1296, which in 1309 was still in vigor and so remained until 1334. The constitution that bears the date of 1309–1310 is therefore really the constitution of the period 1296–1334. It has been published by Lisini, *Il Costituto del Comune di Siena*, 2 vols. (Siena, 1903).

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impartial justice was perennial, and as to the minds of that day this impartiality seemed to be best assured by a foreigner, it is only natural that the podestà should have been retained as the supreme judge, and in the period of his decline have become more and more identified with this office. It is as a judge that he plays a rôle to the generations after Montaperti and continues to play to the end of the middle ages. But with the constant reforms going on in the constitution of the courts, reforms due to the increasingly complicated legal relations of men in a developing society, these judicial functions of the podestà could not remain the same from age to age. Comparing the constitution of 1262 with that of 1309–1310, it becomes plain that in the course of half a century the courts have been reorganized, the laws revised and multiplied, and the legal position of the podestà modified in various ways; and this process continued throughout the fourteenth century.

But through this phase, which belongs to the judicial story of Siena, we have no further interest in following this official. We found him a sovereign and traced his gradual decline in that capacity; and there we leave him, stripped of the regalia, but tenaciously holding fast to his judicial honors, with such success, that in one form or another he continued to enjoy them far into a time that, owing to the rapid and continual political metamorphoses of the republic, retained but a confused memory of his early significance.

FERDINAND SCHWILL.

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THE MERCHANT ADVENTURERS AT HAMBURG

THE imperial city of Hamburg was for nearly two hundred years the principal seaport on the continent to which the Merchant Adventurers of England traded, the mart-town in which the society stapled the great woolen manufacture of England. The relations between the Adventurers Company and the city were formally established in 1567, and with one important exception continued down to the dissolution of the society at Hamburg in the nineteenth century. During this time the Adventurers frequenting the Hamburg marts were fully organized in accordance with their constitution and charter. At first they formed a local or subsidiary court only, but later, when the religious disturbances in the Netherlands brought about the decline in trade to those parts, and a consequent increase in the Hamburg trade, the general court of the fellowship was also transferred thither. The story of the Merchant Adventurers at Hamburg is therefore of importance, first, because it affords a study of a phase of English commercial life as it worked itself out through the medium of a medieval trading fraternity; second, because it throws much light on the character and organization of the society; and third, because it witnesses the scene of its final dissolution.

The first regular commercial relations based upon mutual agreement between the Company of Merchant Adventurers and the city of Hamburg lasted over a period of ten years, from 1567 to 1577. This part of the society's history has been treated by Dr. Ehrenberg[1] in an exhaustive study which has given rise to considerable discussion.[2] But the much longer and more important period of the Adventurers' history at Hamburg, which began in 1611 and continued without interruption into the early part of the nineteenth century, has not been treated, except in parts by local historians of Hamburg, especially by that careful student of Hanseatic history, Dr. Lappenberg.

Of the sources that serve as a basis for the present study there are a number that have a peculiar interest. They emanate directly from the Merchant Adventurers themselves and represent a few im-

[1] Ehrenberg, *Hamburg und England im Zeitalter der Königin Elizabeth* (Jena, 1896).

[2] Compare *Hansische Geschichtsblätter*, 1895; *Transactions of the Royal Historical Society*, XV. 1–51.

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portant bits from the long-sought records of the society.[1] First among these is the old Church Book[2] of the fellowship with entries covering the period from 1617 to 1738, though all entries for dates prior to 1717 are copied from two older registers since lost.[3] This is supplemented by two other registers[4] for the subsequent period down to 1806, the latter concluding with the following graphic entry:

1806. No. 19. Charles Son of John Thornton Esqre and of Maria Elizabeth Dorothea his wife was privately baptized at Otmanchen in my flight from the French who this day took possession of Hamburg. John Knipe.

In general the character of the contents of these three interesting volumes may be inferred from the following entry in Volume II.:

A Register of all who were Baptized or married according to the Rites and Ceremonies of the Church of England, belonging to, or under the protection of the Right Worshipfull the Company of Merchants Adventurers residing in Hamburg.

Besides the church registers there are two bundles of the society's papers in manuscript,[5] the first containing writs and testaments, fourteen in all, made by persons associated with the court, and varying in date from 1756 to 1802. In it are also found two letters by George Thornton,[6] from which it appears that the two

[1] The absence of all records of the Merchant Adventurers has given rise to much conjecture and earnest investigation, but with only partial success. Up to a few years ago the valuable collection of laws codified by Wheeler in 1608 and preserved in the British Museum, Addit. MS. 18913, represented the only official records of the society. To these the three church registers of the court at Hamburg, and the half-dozen treasurers' reports will form a valuable addition. For the local fellowship in the different towns, as for example, Hull, Newcastle, York, etc., records exist, although still unpublished except in the case of Newcastle, and very recently of Bristol.

[2] Church Book, 1617–1738, in manuscript. Hamburger Staatsarchiv, Cl. VIII., No. 9d, Vol. I., "Englisches Kirchenbuch, 1617–1738."

[3] Cf. the following entry: "A Perfect Extracte of two former registers of the names of the Communicants of the English Church at Hamborough. Together with the baptismes and marriages Taken the 24 of Apriell 1620 by the Appointment of William Loe Dr. of Divinity and pastor of the said Church."

[4] Hamburger Staatsarchiv, Cl. VIII., No. 9d, Vols. II. and III. The first entry of the third volume records the marriage of the daughter of "Mr. Governor Blacker." This volume, according to a record on the inner cover, was produced before the High Court of Chancery in England in 1818 for the examination of witnesses in the cause "between The Honorable Alfred Curzon and The Honorable Francis Curzon, Infants, by their next Friend — plaintiffs, . . . and The Honorable and The Reverend David Francis Curzon and others—defendants."

[5] Hamburger Staatsarchiv, Engl. Court, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 19. The librarian's note on the acquisition and contents of the bundles is as follows: "Am 2 Juni 1876 sind von Herrn Oberstlieutenant A. D. G. Thornton dem Stadtarchive überliefert I. Ein Kirchenbuch der Ehmaligen Englischen Court . . . II. Testamente . . . III. Abrechungen der Englischen Court über die Jahre. . . ."

[6] George Thornton was the son of John Thornton, one of the members of the society who remained in Hamburg after the occupation of the city by the French.

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bundles of papers and the old Church Book were found among his father's papers and later given by him to the library. The second bundle contains a number of interesting and very valuable annual statements by the treasurers of the company. To these records emanating directly from the society before its dissolution must be added the reports to Secretary Canning by the commission appointed at Hamburg in 1824 to investigate the circumstances of the dissolution of the factory,[1] a number of letters by the surviving members of the society at Hamburg in 1806, extracts from the protocol of the *Rath*, and the contracts between the city and the Adventurers for 1567, 1611, and 1618.

At the time of the first settlement of the Merchant Adventurers at Hamburg in 1567 the once loose organization among English "adventuring merchants" to the coasts of the continent had been gradually transformed into a close and well-organized society, with customs and practices already crystallizing. Woolen cloth in the white constituted the great staple article of their export trade from England, and for two centuries and a half, with only occasional interruptions, the fellowship enjoyed a monopoly of the export of this important manufacture to all points on the continent lying between the Somme in France and the Skaw in Denmark. In the import trade the adventurers enjoyed the fullest freedom, all varieties of goods being imported by them.[2] The manner and rules of their trade differed materially from the joint-stock companies of the later period, each member trading for himself and at his own risk. The company participation appears not in a joint interest in profit or loss, but rather in the rules of trade that were developed, partly to facilitate the adventures of the members, and partly to regulate the trade justly and fairly. They provided that all shipments by members be made at certain ports, at specified times, that each member observe the stint of shipping, and that the goods be placed for sale only at the quarterly marts — clearly regulations for mutual protection and advantage in times when the foreign trade was both difficult and dangerous.

[1] *Hamburgh Complaints, Copies of, and extracts from all correspondence which has taken place since 1823, between His Majesty's Secretary of State for Foreign Affairs and His Majesty's Consul at Hamburgh, relative to Grievances complained of by British subjects resident in that city* (Ordered by the House of Commons to be printed, April 20, 1835.) Among the sources unmentioned above is a folio volume of letters in manuscript in the Commerz Bibliotek at Hamburg that should be noted.

[2] Cf. Wheeler, *A Treatise of Commerce*, 23; *Lawes, Customes and Ordinances of the Merchant Adventurers*, "Translations and Reprints," University of Pennsylvania.

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To regulate the trade and the life of its members, to represent its interests with governments, princes, and cities, and to promote the trade of the individual adventurer by an effective use of corporate power against opposition and competition in the face of which, single-handed, the trader could not have succeeded at all, the society had developed a strong government. This consisted of a governor, his deputy, and twenty-four assistants, known as the court of assistants. In this court were vested the executive, administrative, and to a large degree the legislative rights and duties of the society. This court or government was located at the mart-town on the continent.[1] All matters pertaining to the fellowship in general were under its direct control. For matters of local interest, and for the government of members resident in the various towns outside the mart-town, subsidiary courts existed. These were known as associate courts, and were in most things subservient to the higher court.[2]

The occasion for the first settlement of the Adventurers at Hamburg arose from the insecurity of trade in the Netherlands, the dissatisfaction with Spanish rule, and the loss of trade to Hamburg when the English government refused to allow the Hanse to continue the export of woolen cloth. On March 17, 1564, the Senate of the city addressed a writing to Elizabeth expostulating against the prohibition, and offering to the Adventurers the same privileges in the matter of trade as those enjoyed by the burghers.[3] After prolonged negotiations, finally accelerated by the intolerance of the Spanish in the Netherlands, which made it well-nigh impossible for the Adventurers to remain longer at Antwerp,[4] an agreement was reached on July 19, 1567, and the society was granted its first privileges by the city of Hamburg. The grant was for ten years, and it was mutually understood that at the expiration of that period the agreement would be extended.

Owing to the violent opposition of Lübeck and the other Hanse towns, however, the privileges were not renewed in 1577. Instead was issued the Hamburg Decree, expelling the society. In 1587 intercourse was resumed, but again the opposition of the other cities proved too strong. After this the Adventurers' trade to

[1] Cf. *Transactions of the Royal Historical Society*, XV. 29 ff.

[2] The exception made in 1688 in the case of London, concerning the choice of the deputy and other officers, and the making of rules in matters of trade should be noted. British Museum, Addit. MS. 18913, fol. 200, printed in "Translations and Reprints," N. S., Vol. II. 195 ff.

[3] Record Office State Papers, For. Elizabeth, Vol. 77, fol. 68. Printed by Ehrenberg, *Hamburg und England im Zeitalter der Königin Elizabeth*, appendix, 310.

[4] Kervyn de Lettenhove, *Histoire de Flandre*, V. 75 *et passim*.

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Germany was for a number of years irregular and erratic, without the control of a well-established residence at a great mart-town. For scarcely did they settle down at any one place before an imperial edict[1] drove them thence. Stade, it is true, furnished a temporary though unsatisfactory residence, from which trade was carried on with Hamburg through factors.[2] The Adventurers, therefore, looked anxiously for the time when they would again be taken up by the latter city. But not till 1611 was the hostility to the English trader sufficiently broken to make possible a successful resumption of friendly negotiations. On June 28 of that year Hamburg again made overtures to the fellowship. An agreement based on that of 1567 was reached, and the society transferred its residence to Hamburg.[3] On the basis of this agreement, slightly modified in favor of their society in 1618, the Merchant Adventurers maintained their chief residence there for well-nigh two centuries. A knowledge of the privileges then obtained is therefore essential to an appreciative study of the later period of the society's history.

The contract of 1618 is drawn up in fifty-one articles,[4] and it corresponds in general quite closely to the agreements of the earlier dates mentioned above. It is besides very similar to the privileges granted the society at different times in its other mart-towns on the continent, and may therefore serve in a general way as typical, affording an indication of the position of the Adventurers and their residence in the heart of the foreign cities in which they established their staple. How liberal and far-reaching these were will appear from the following brief analysis: By the provisions of this contract with Hamburg the Adventurers were confirmed in their possession, free of taxes, of the large stately house secured to them by the privilege of 1611, the city agreeing to keep

[1] The text of the imperial edict of 1597 is very interesting on broader historical grounds. After reviewing the history of the company's relations to the continent, and the grievances against its monopolistic dealings, it concludes, "Therefore is it that we prohibite, banish out and proscribe all the forenamed English M.M. to wit the whole Company of the M.M. Adventurers, together with their hurtful dealings, trafficks and contractings out of all the holy Empire. . . . Given in our Royale Castell at Praghe, the first day of the month of August, Anno 1597, of our Romish Kingdome the 22 yeere, of Hungarie the 25, and of Bohemia also the 22," *etc.* Cf. Wheeler's translation in his *Treatise of Commerce*, 80–91.

[2] The chief mart and residence of the society was still in the Netherlands. In 1587 it had been established at Middleburg.

[3] The reasons for the removal to Hamburg and the disadvantages of Stade as a residence are clearly set forth by Mr. John Kendrick. Record Office State Papers, Dom. James I., Vol. 67, No. 80.

[4] The English text of the contract is given in the Parliamentary Papers, cited above, *Hamburgh Complaints*, Enclosure in No. 8, Appendix F.

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the building in "good repair." Within its walls they were given the right to "assemble as often as they pleased, to execute their regulations and laws, administer justice and transact all other business themselves concerning."[1] There also entire freedom of religious worship, and preaching in the English tongue was allowed the company, saving only the reservation that it be done quietly and "without giving any public scandal." The use of the city cemeteries was granted subject to the customary payments, and the Senate engaged itself to see to it that the citizens "demean themselves modestly and peaceably towards the merchants of the company and their servants," and that the ministers refrain from preaching against their religious rights and do not "asperse or stigmatize them."[2]

For good government among the Adventurers and in order to avoid "daily complaints," the Senate granted them the right to exercise all the privileges of their charter; of electing a governor or deputy of the company, who was to represent all the other members; to add to him others of their numbers, "either their eldest or others," who with him were to act as a government and court of law for all Englishmen, whether belonging to the company or not, judging and ruling among them according to the provisions of the royal charters to the Adventurers. Only in criminal cases of a serious nature did the city authorities interpose. In all other cases the jurisdiction[3] of the court over Englishmen was complete, and to aid the society in the execution of its judgments the officers of the city were placed at the service of the court.[4] In disputes of a civil nature between Englishmen and others (burghers or aliens), the latter had the option of bringing the case either before the preferred court of the society or before the Senate for trial. In either case, however, the judgment must be accepted as final.[5] The contract also provided for extra consideration both for the person and goods of the Adventurer. Articles 6 and 16 protected him against all violence or molestation within the jurisdiction of the city, and secured the good services of the city in the society's behalf in case of molestation outside of its limits. Article 15 guaranteed the goods of a member against confiscation in all cases except that of high treason. He was free from arrest, and his goods safe against attachment for debt or civil misdemeanor till he was sentenced, or till the court-master had been warned of the action and an opportunity had been afforded

[1] Article 18. [2] Articles 19 and 20.

[3] Cf. also Der Englischen Court-Beamte und deren Jura, Hamburger Staatsarchiv, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 18.

[4] Article 7. [5] Article 8.

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to enter bail.[1] The members, on the other hand, by giving security could exercise the right of arrest and attachment, and the city bound itself not to delay speedy trial and justice.[2] Stolen goods belonging to members of the company and not yet alienated could be immediately recovered.[3] Entire freedom was allowed the merchants to testate according to the forms and customs of England, and the inheritance of such as died intestate was to be delivered to the heirs, solely through the medium of the court-master, without any deduction.[4]

Over and above these substantial considerations in favor of the interests of the society in civil and criminal matters, there were others of even greater material advantage. These related to the tolls or customs-duties upon import and export trade, and secured to the English merchants all the rights enjoyed by the burghers, without involving them in any of the obligations of citizenship. Complete freedom of trade was granted them in all articles of trade excepting only those expressly prohibited in the agreement, in which the citizens also were not allowed to trade. The trade and exchange of commodities within the city was likewise free to the members of the society. They "shall be at liberty to sell their cloth, wares and goods whenever they please, and at any time or day (holy days excepted) as well to our citizens and inhabitants as to other aliens and outlanders of whatever people or nation they may be, and to treat in return with them for commodities they may have brought hither for sale, and consequently carry on an open trade without any difference whatsoever."[5] A special clause of the agreement, however, limited the trading of the Adventurers in cloth entirely to the wholesale trade.[6] Only among themselves were they at liberty to sell at retail and in small quantities. Article 24 continued the old provision of 1567 concerning the dyeing and dressing of cloth by the society. It provided that cloth was to be prepared by the members only "in such manner as is done in Frankfurth and Upper Germany." Cloth thus prepared could not be sold to aliens at Hamburg, but must be transported directly to upper Germany, Leipzig, or Frankfort. Cloth already dyed and dressed in England might be freely sold at Hamburg, and unfinished English kerseys could even be dyed and dressed there.

Detailed rules are laid down in regard to trading, commission, loading and unloading, salvage, wages, and the employment of servants, measurers, packers, porters, etc. The city engages itself

[1] Article 13.
[2] Article 12.
[3] Article 17.
[4] Article 36.
[5] Article 23.
[6] Article 25.

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to do all in its power to aid the society in suppressing interlopers, and the Adventurers promise to use their influence in procuring a law "from his Britannic Majesty that no Englishman shall land any goods in any other port or on any other shore of the Elbe."[1] The company and every member thereof is exempt from ground-rent, wharfage, anchorage, or cranage.[2] The city undertakes to provide a sufficient number of barges, etc., and to delegate a deputation of citizens who shall endeavor to rent for the fellowship, on as moderate terms as possible, houses, inns, workshops, cellars, and warehouses. The proconsuls and senators also engaged themselves to call together the officers of the port once a year to instruct them concerning the privileges of the society.[3]

In addition to these exceptional advantages in trade and civil standing is another quite as important, namely, the exemption from mounting guard and garrisoning and "from all contributions for that purpose, as well as from all other civil imposts, whether real or personal, and from all other burthens and taxes,"[4] etc.

On the basis of these remarkably favorable privileges, conferring upon them greater rights than those enjoyed even by the burghers, while at the same time relieving them of the burdens of citizenship, the Adventurers easily succeeded in arrogating to themselves complete control of the commerce between England and Hamburg. The special provision added as Article 44 to the agreement in 1618, prohibiting "citizens, inhabitants or foreigners resident here [Hamburg] or in England" from bringing from or sending to England any goods belonging to merchants of the company or to any other Englishmen, reveals the great advantage enjoyed by the Adventurers over all possible foreign rivals. Indeed the only trade with England open to the burgher and the alien was in "goods not belonging to the Company nor to Englishmen." Such restrictions must have been prohibitive, so far as their effect upon actual commerce was concerned.

Add to these advantages at Hamburg the monopoly rights secured to the Adventurers by their charters from the English Crown, and the basis for their large trade and the great wealth of the society's members[5] becomes apparent at once. For the Hamburg residence still another circumstance contributed materially to increase its importance. The disintegration of the English trade to

[1] Article 43.
[2] Articles 32 and 33.
[3] Article 46.
[4] Article 21.
[5] Too great a corporate organization must not be attributed to the Merchant Adventurers Company in matters of trade, wealth, etc. The society's wealth and influence depended entirely upon the individual members and the extent to which these contributed to its maintenance and to the carrying on of its policy and its interests.

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commercial centers in the Netherlands, arising from the dangerous and unsettled conditions consequent upon the numerous wars, served to deflect the commerce of the North Sea more and more to Hamburg, that is, into the hands of the Adventurers.

What were the exact proportions of the trade with Hamburg during this period it is difficult to determine. The most satisfactory source would again be the private records of the society, especially the registers and the appointer's books. In the absence of these, the insufficient and complicated material in the shippers' lists, etc., of the port of Hamburg must serve as a starting-point. These, and other material of the same nature, Dr. Baasch,[1] and for the early period Dr. Ehrenberg,[2] have both worked over with much scholarly care, but unfortunately the data concerning the Merchant Adventurers' trade is very inadequate. The very fact that the members of the society were exempt from the usual customs and tolls makes the entries concerning them comparatively meager. Indeed, all through the records of the city of Hamburg relating to commerce the society figures but little. In the minutes of the *Commerz Deputation*, which body was virtually in charge of matters of trade, the society's affairs come up for discussion only a few times during the eighteenth century. The society's commercial relations, as well as its civic relations to the city and the burghers, were clearly specified by the contract, and all its dealings were therefore with the Senate rather than with the Chamber of Commerce.

An account of the trade of the Adventurers at Hamburg, even so far as it would be possible with the data, is beyond the limits of this paper. But it should be noted that in addition to the regular staple and exchange of commodities at the quarterly marts in Hamburg, there was a well-established transit trade: the Adventurers were frequent attendants at the marts in the cities of upper Germany. A writer on Hamburg of the period says, "great quantities of all kinds of British goods go from hence to the different fairs, which are held three times every year at Frankfort on the Main, — Frankfort on the Oder, — Leipsic and Brunswic, — they are subject to a small duty on entering the town." [3]

[1] Baasch, *Forschungen zur Hamburgischen Handelsgeschichte*, (Hamburg, 1902) 89. Cf. also Baasch, *Zur Geschichte des Ehrbaren Kaufmanns in Hamburg*, Hamb. Geschichts Verein, 1899. Dr. Baasch considers the probability of finding statistics on the trade of the society outside of its own records very slight. The exemption from the convoy duties paid by others shuts off what would otherwise be an excellent source. The records of the port of London should prove a fruitful source for the student of this phase of the society's history.

[2] Ehrenberg, *Hamburg und England im Zeitalter der Königin Elizabeth.*

[3] *A Sketch of Hamburg, etc., by an English Resident* (Hamburg, 1801), 92. Cf. also Article 24 of the contract of 1618.

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The center about which the life and activities of the Adventurers Society at Hamburg moved during the entire period of their residence there was the well-known "English House"[1] on the Alte Gröningerstrasse, near the heart of the old city, in the immediate vicinity of the Grimm, from which the English-Holland post left regularly on Tuesdays and Fridays. The large building with its fine façade[2] (No. 42, Gröningerstrasse) had been built in 1418 by the "Raths Familie von Zeven." It occupied the whole length of the Neue Gröningerstrasse, extending back the entire block to the Katherinenstrasse. A passageway through the house, much frequented, joined this street to the Alte Gröningerstrasse. In 1570 the *Rath* bought the house for 10,500 marks and handed it over, free of charge, to the society. This spacious building, with its extensive premises, the large halls, many smaller apartments, and numbers of adjoining buildings suitable for pack-houses, was admirably adapted to the needs of the society. In the middle of the building on the ground floor was a large hall, which served as the court-room, not of the Hamburg residence only, but of the entire fellowship, adventurers from London, Newcastle, York, Hull, etc., being either there in person during the martly sessions of the court, or else represented by factors[3]; after the date of the removal of the chief court to Hamburg from Holland[4] all questions of moment concerning the general affairs and policy of the society were discussed and settled by the Hamburg court. The society's relation to the politics and trade of England, the policy to be pursued toward the Empire and the Hanseatic League, the rules and government of trade, as well as the special relations with the city of Hamburg, and the government of its members — these were all matters that occupied the sessions of the court in the "English House." Not infrequently, especially during the years of civil war and dissension

[1] Many interesting facts concerning the house are found in the papers of the Hamburger Staatsarchiv, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 14, 15. On the basis of this material Professor H. Hitzigrath contributed a short article on "Das Englische Haus in der Gröningerstrasse und der Boselhof an der Englischen Planke" in the *Hamburger Correspondent*, 1901, Nos. 460, 461, and 464.

[2] Burgon in his *Life and Times of Sir Thomas Gresham*, opposite p. 321, gives a picture of the English House at Hamburg.

[3] *Lawes, Customes and Ordinances*, Chap. 8, fol. 155, "Translations and Reprints," N. S. II. 179 ff.

[4] I have not come upon the exact date when the fellowship transferred the "highe court" to the residence at Hamburg. As late as 1601, when Wheeler wrote his *Treatise of Commerce*, it was still at Middleburg. It is altogether probable that the removal of the Holland residence from Middleburg to Delft in 1621 marks the decline of the Dutch residence to the subservient position of a "court of associates."

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in England, the court experienced stormy days.[1] In 1649 a successful attempt was made by a number of Stuart sympathizers to spirit away the court-master, Mr. Isaac Lee, and several others of the company. They were rescued off Heligoland, only after a vigorous fight, by other members of the society and some twenty soldiers hurriedly put aboard a vessel for the chase.[2]

On the second floor of the house, to the front, was the beautifully decorated chapel, sometimes called the "English Church," which served till 1806 as the only place in the city where services were held in English.[3] The free exercise of their religion was, however, granted very reluctantly by the Senate, for on the occasion of their first settlement in Hamburg the Adventurers were enjoined under penalties against practicing the religious rites of the church.[4] They were to partake of the sacrament according to the Lutheran fashion

[1] The residences of the Adventurers at Hamburg and Rotterdam respectively reflect in an interesting way the great struggle between the two opposing political forces at home. Long before the Civil War really began, strenuous efforts were made by both parties to secure the control of the society. Cf. the numerous entries in *Calendar of State Papers* for this period. The popular cause was successful, the irregular levies upon commerce by the first two Stuarts not being likely to secure for them the patriotic support of the Adventurers.

[2] The stanch support by the Adventurers of the cause of Parliament made the residences at Hamburg and Rotterdam the object of repeated attacks on the part of the Royalist agents. The details of the affair alluded to above and the events leading up to it are found in the Record Office, Hamburg Correspondence, For. 1649–1650. A spirited account is also found in Janibal's *Hamburgische Chronik*.

[3] After the dissolution of the residence, the English in Hamburg remained without a suitable place of worship till the erection of the present English church. Cf. *Hamburgh Complaints*, Enclosure in No. 2. The following reference is not without interest: "There is also an English Chapple near the Exchange, where an English clergyman preaches every Sunday, but it is not greatly frequented; the english on a sunday more commonly congregating in Reinvilles' gardens on the banks of the Elbe about two miles distant from Hamburg," *Sketch by an English Resident*, 11. Another side appears in the following extract from a letter from Emanuel Mathias from Hamburg in July, 1757: "Her Royal Highness the princess Hereditary of Hesse-Cassel was last Sunday at the English Chapel, and heard the service performed by the Rev. Mr. Murray, Chaplain to the Factory; and in order to prevent any disturbance which be made on account of the great numbers of persons which gathered together for to see Her Royal Highness, a guard of six grenadiers was readily granted upon the application of the Deputy Governor of the Company and myself. . . ." Record Office State Papers, For. 1757, No. 71.

[4] Article 14 of the contract of 1567, in Kervyn de Lettenhove, VI. 20, cites a memorial of the English at Hamburg to the home government, in which they complain of the lack of toleration and of the hostility of the Hamburg clergy: "The pastors here hate all religions save their own." On the occasion of the death of one of them during the company's first residence at Hamburg great difficulty was experienced to procure a suitable burial. The person whose death is meant, Ehrenberg suggests, was Sir Richard Clough, first governor of the fellowship at Hamburg, concerning which Clough's contemporaries wrote: "At Antwerp, for a time he liv'd renowned; but ah, in Hambro' (The North country, alas that he went there!) How was the object of our love, our head, Our Forest's pride and ornament, cut down!" Burgon, *Life and Times of Sir Thomas Gresham*, II. 368.

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or else abstain altogether. They were under no consideration to disturb the teachings of the Lutheran church, or attempt in any manner to spread the doctrine of Calvin or Zwingli concerning the Last Supper, or attempt any other religious innovation. Nevertheless liberty of conscience was allowed them, and they might or might not attend the Lutheran church as they saw fit.[1] These restrictions were gradually waived in practice, and in the later privileges entire freedom of worship within the House was granted the society.[2] During the middle period of the seventeenth century the organization of the church was apparently Presbyterian, with elders and a consistory.[3] Later the form of worship became again that of the Church of England.[4]

Other parts of the English House consisted of "the houses for the governor, secretary, the housekeeper and beadle,"[5] the chaplain, the rooms for the common tables,[6] and the free hosts' booth for the sale to Adventurers of English beer and ale, which the society could import free of duty. Of the good cheer of the society's host there is abundant evidence. In 1674 Greflinger writes in his account of Hamburg: "Nun bin ich fast müde. Wir wollen zurück nach dem Englischen Hause da die Englische Court ist, und hier durch noch dem Wein Keller, dasselbst zuvor einen Kühlen Trunk vom Englischen Bier zu uns nehmen, und darauf in des Rath's Wein Keller."[7]

The position of the society at Hamburg was very much that of a

[1] Cf. Article 14 of the contract of 1567. The privileges are reprinted from a Latin copy in the Lübecker Staatsarchiv, Anglicana, IV. a, by Ehrenberg, *Hamburg und England*, appendix 2.

[2] Cf. Article 19 of the privileges of 1618.

[3] Fernow, *Hamburg und England im ersten Jahre der Englischen Republik* (Hamburg, 1897), 10, note 2. In 1650 Cromwell's son-in-law, Bradshaw, who was for some years deputy at Hamburg wrote, "here be some could wish those formalitys were laid aside and the power of godliness more pressed," *Sixth Report of the Hist. MSS. Comm.*, appendix, 433. Some interesting facts over a disputed election of deacons and elders at Delft are found in Br. Mus. Addit. MS. 6394, folio 48.

[4] Compare "Englisches Kirchenbuch," No. 2 and No. 3 described above, page 266.

[5] *Hamburgh Complaints*, etc., 9; also the following in Otto Sperling's *Chronik* for January 26, 1688: "Der Courtmaster im Englischen Hause, der die ganze hiesige Englische Nation regiert, ihren Sachen vorsteht, sie in ihren differenzen richtet und vergleicht, und ein grosz Salair bekommet." In a volume of 1712 entitled *Jetzt Belebtes Hamburg* is given a list of members of the "Englische Societät," in which is the following: "Rave Emmerson, Englischer Prediger wohnet im Englischen Hause." The court-master, William Foxley, on the contrary, "Wohnet in der Catherinen Strasse."

[6] According to John Taylor's account in 1616 all the unmarried members of the society had their meals in the House. Cf. also "Translations and Reprints," Penna. N. S. II. 98, "the tables generallye."

[7] Georg Greflinger's *Hamburgisches Reisehandbuch und Beschreibungen von Hamburg im Jahre 1674*. Cf. *Zeitschrift des Vereins für Hamb. Geschichte*, IX. 137.

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"State within a State," and their independent and exclusive attitude made the Adventurers the object of envy and dislike to numerous classes of citizens. During the first sojourn of the society at Hamburg religious differences were, as we have seen, added to others more commercial in character. For the Hamburgers did not at any time look upon the presence of the English as entirely advantageous to themselves, even from the standpoint of the city's economic interests. That there were substantial material advantages is undoubted; the customs revenues increased, many industries and interests connected with the English cloth-trade flourished; prices, rents, and the value of real estate rose with the concourse of other foreigners attracted by the English trade.[1] But over against these were the discriminating monopoly rights of the fellowship, destructive to all competition in the trade with England; the crippling of the city's cloth industry, then in its infancy; and the haughty, overbearing attitude of the English merchant. He is described as "herrische," "anmassend," and "stolz" — characteristics well calculated to arouse the dislike of the Hamburg traders, especially when the antipathy thus aroused was further emphasized by an unfriendly policy on the part of the English government.[2]

Complaints against the company were numerous, sometimes even threatening to bring about the abrogation of the privileges. In 1674 this hostility found expression in the "Windischgrätzer Recess," the thirty-fourth article[3] specifying that the Senate take steps to dissolve the contract with the English court, and regulate the "Nation" in such manner as to prevent the English from depriving the native merchant of his trade and livelihood. Nothing came of these demands, and the society continued its activities, securely entrenched behind the rights secured it by its contract.[4]

Nor does there happen to have been any serious design on the part of the Senate to set the contract aside; its terms were faithfully respected by the city despite the occasional attacks upon the society. Indeed throughout the entire period of its residence at Hamburg the society received courteous and often remarkably

[1] Ehrenberg, *Hamburg und England*, 125 ff.

[2] Reichard, *Die maritime Politik der Habsburger im 17ten Jahrhundert* (Berlin, 1867), 58 *et passim*.

[3] Hamburger Staatsarchiv, Engl. Court, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 1c.

[4] The independent attitude of the Adventurers in regard to complaints by the burghers appears frequently. On one occasion when they were accused of selling woolen cloths at retail and of serving wine and beer to others than themselves, the court replied that it alone had jurisdiction over its members in civil matters, and if any of them had done anything worthy of punishment, the society was ready to proceed against them, as it had done on former occasions. *Ibid.*, Invol. 1d. Also *Extractus Protocolli Senatus Hamburgiensis, Martis, d.* 17, 1674.

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favorable treatment at the hands of the Senate. The court-master was the guest of the city on public occasions. At the famous Matthiä-Mahl he always occupied the place of honor next the Dutch ambassador, the only guest above them being the imperial resident at Hamburg.[1] He was always addressed as "Herr," and waited upon and congratulated by a deputation from the Senate on taking office. On the occasion of the Matthiä-Mahl alluded to above, it was the duty of the youngest senator to call for the governor in a state carriage. Twice a year he was substantially remembered by the Senate with gifts of wine and beer.[2] On the other hand, the Hamburgers were most careful to guard against further concessions to the English. In 1696 the request of the court to be admitted into the *Commerz Deputation*, or at least to participate in its meetings when matters of interest to the society were being discussed, met with a firm refusal, notwithstanding the fact that many non-burghers were admitted.[3] Nor would the conditions of the eighteenth century have justified any other course. During that period the society gradually declined[4] till it had lost nearly all those features upon which the original grant of privileges had been made, and it is matter of surprise that the Senate did not insist on the dissolution of the agreement long before the combination of circumstances growing out of the French wars left them no other choice.

This change is strikingly apparent in the decline of the character of the society's membership. In the seventeenth century the Adventurers were a numerous, experienced, wealthy, and influential body of merchants,[5] the foremost men of England's commerce, and in many instances leaders in her political life as well.

[1] Cf. Otto Beneke, *Hamburgische Geschichten und Denkwürdigkeiten* (Hamburg, 1856), 330.

[2] In the extracts "Aus alten Commerz Notizen" for 1725, Hamburger Staatsarchiv, Cl. VI., No. 2, Vol. V., Fasc. 1, Invol. 10, occurs the following: "Was der Englische Courtmeister alle Jahr von der Stadt bekommt. Auf den 20 April, 40 Stübchen Wein. 2 Tonnen Hamburg Bier. 1 Grossen Stour. Auf den 28 Juny, 40 Stübchen Rhein Wein. 2 Tonnen Hamburg Bier. 1 Lachs. Welches der Schenk im presentirt."

[3] Baasch, *Zur Geschichte des Ehrbahren Kaufmanns in Hamburg*, 33.

[4] This appears in many ways. Of interest is the society's own statement in 1729. In that year the *Commerz Deputation* brought it about that the Adventurers were asked to pay the "Auktions-Aufgabe," a small assessment for the maintenance of the poor. The society expressed its willingness, but on the condition that the proceeds thus arising should be paid to their own poor, "since they too had many poor people of their nation then, and the court was no longer as strong as it had once been (Massen sie auch viele arme leute unter ihrer Nation hätten, und die Court jetzo so stark nicht mehr wäre als dieselbe vorhin gewesen)." Hamburger Staatsarchiv, Engl. Court, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 7; also Baasch, *Forschungen zur Hamburgischen Handelsgeschichte*, III. 82.

[5] Wheeler, *A Treatise of Commerce*, 19, 57. Cf. also *Transactions of the Royal Historical Society*, XV. 18 ff.

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In the mart seasons these merchants, or their factors, were present in the staple town on the continent, and since Hamburg became early in the century the great emporium of the Adventurers' trade, the residence there was remarkable both for the extensive interests represented and for the character of the merchants themselves. But with the overthrow, by the Statute of 1688, of the society's exclusive right to export the great woolen manufacture, the Adventurers gradually found their trade disintegrating and much of it falling into other hands. The woolen cloth export being thrown open to all who wished to participate, and the compulsion to ship only to the mart-town or towns of the fellowship also being removed, the reason for joining the society and trading under its direction and protection no longer remained.

As a consequence the membership declined; new members are infrequent, and for most of the eighteenth century the number of members of the society residing in Hamburg is about the same year after year.[1] Only eighty-one members in all appear for the entire period from 1722 to 1806. But what is even more significant is the fact that certain family names occur very frequently; six of these account for twenty-seven out of the eighty-one names. Membership in the court seems to have become very much a matter of family, the additions to it being usually from among those entitled to the freedom by their father's right, that is, by patrimony. Admission through the long and arduous term of seven-year apprenticeship or even by the easier though more expensive way of paying the £200 demanded in the seventeenth century was apparently no longer the rule.[2] Honorary membership was still customary. Diplomatic agents and plenipotentiaries at Hamburg continued according to old custom to be received into the fellowship. In 1757 Philip Stanhope writes to the government, "I have lately been received with the accustomed forms an Honorary member of the Society of Merchants Adventurers here." As late as 1805 Sir Edward Thornton, minister to Lower Saxony and the Hanse towns, in a letter to Lord Mulgrave speaks of the deputation from the society to congratulate him on the occasion of his appointment and

[1] The following table by decades shows an average membership of less than twenty for the eighteenth century: — Adventurers resident in Hamburg: 1722, 20; 1732, 18; 1742, 18; 1752, 19; 1762, 18; 1772, 20; 1782, 18; 1792, 21; 1802, 17; 1806, 15. A complete list of the members of the society for this period can be worked out from the *Church Registers*, the *Hamburger Staats Kalendar*, and *Jetzt Belebtes Hamburg* In the century before it was considerably larger. In Thurloe, *State Papers*, IV. 766, is a statement of the vote on the question of Richard Bradshaw and the deputyship, in which fifteen voted for and twenty against Bradshaw, thirty-five being present to vote.

[2] For the regulations governing admission to the fellowship see *The Lawes, Customes and Ordinances*, Chap. II., "Translations and Reprints," N. S. II. 34–52.

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arrival, and to offer him "the freedom of their Society," which, he goes on to say, "is to be presented to me on the 29th of this month."[1] In former years the ambassador at the mart-town was usually an active member of the society, often its governor, and in that case played a very important rôle in its affairs. Among the governors[2] of the later period there are no men of this position.

The list for the eighteenth century contains no names corresponding to those of the earlier years when Caxton, Gresham, Clough, Bradshaw, Packe, etc., were the guiding spirits of the society. The court-master at Hamburg for this period is spoken of as deputy, not as governor — a fact of some significance for the question of the relative position of the Hamburg court for the late period. Indeed there seems to be every reason to look upon this court in a sort of twofold capacity: first, as the court of those English merchants who were members of the society residing in Hamburg, that is, a court of associates; second, as the general court of the fellowship, or court of assistants, which would meet on the occasion of the marts, and would naturally be composed of the adventurers attending the mart, regardless of their permanent residence. During the late period of the Adventurers' history, the governor of the fellowship was usually not resident abroad.

Among the chaplains[3] of the court for the early seventeenth century was Thomas Young, the friend and tutor of Milton. Of the secretaries a number of persons are worthy of note. Belonging to the time a little later than Young was Samuel Misselden, the well-known writer on matters of trade for this period. Another interesting figure occupying this post was the German patriotic poet and writer, Frederick Hagedorn, secretary from 1733 to 1754, receiving for his services, his biographer tells us, a salary of £100 per annum and free lodging. The last secretary was John Coleman (1793–1807), who was also secretary to the English embassy. The names of the other servants of the residence, with a number of interesting facts as to salaries, appear in the copies of the treasurer's statements preserved in the Hamburg city library. In the report for 1793–1794, besides the chaplain and secretary, with salaries respectively of £200 and 1,200 marks, there are the beadle with salary of 600 marks, the organist with 400, the huntsman with 60,

[1] Record Office State Papers, For. Hamburg No. 28, letter of June 4, 1805.

[2] Hamburger Staatsarchiv, Engl. Court, Cl. VI., No. 2, Vol. 5, Fasc. 1, Invol. 2; the Church Books and the *Staats Kalendar*.

[3] An interesting paper entitled "Die Capellane der Englischen Court" appeared in the *Zeitschrift des Vereins für Hamburgische Geschichte*, II. 649. Cf. also Lappenberg, *ibid.*, I. 311.

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and the bellows-treader with 30 marks.[1] The salaries of the secretary and the chaplain seem to vary, the treasurer's statement made in December, 1800, debiting the former with £300 and the latter with 1,800 marks for the previous twelvemonth.

But apart altogether from these incidental facts, the treasurer's reports contain material that reveals much more of the real status of the company at that time. For a thorough analysis of any one of these this brief study would afford inadequate space. The report covering the Sinxon and Balm Marts, 1804, and the Cold and Pasche Marts, 1805,[2] briefly summarized, gives the following debit items: Balance from the account of Mr. John Blacker, passed treasurer, 22,035.5 marks; impositions and fees, 14,740.7 marks; bequest money, 84,402.8 marks; and interest, 5,619.7 marks; total, 126,797.11 marks. The credit items are stipends, pensions, and fees, 11,130.8 marks; charges ordinary and extraordinary, 8,145.13 marks; bequest money, 69,965 marks; balance to be paid to the Worshipful Mr. Wm. Alexr. Burrowes, p. t. treasurer, 37,556.6 marks; total, 126,797.11 marks.

The report is made by John Thornton and properly certified to by the four auditors of the fellowship. Among the "charges ordinary and extraordinary" are a number of items of interest. The rent and fees of the bowling-green are 332 marks, repairs 4,413.7½ marks, and a dinner given there 1,340 marks, on which occasion the expense of 130 marks for "drummers and trumpeters" was probably also incurred. To the student of the Merchant Adventurers, however, the remarkable entry of the report is that for "William Agar, Secretary at York, a year's salary, £10." This would point to a relationship between the court at York and the court at Hamburg for a period hitherto quite unsuspected. The entry is of further importance because of the suggestion it offers in regard to records of the society at York, as also of the probability of the continuance at that place of the local organization even after the dissolution at Hamburg. A more general survey of the report reveals a marked change from the earlier commercial and political activities of the society. The absence of all indications of extensive business operations on the one hand, and the presence of numerous entries pertaining to the church and to the bowling-green on the other, serve to emphasize how changed in character the society had become since the days when large sums were expended on pleni-

[1] Hamburger Staatsarchiv, Engl. Court, Cl. VI., No. 2, Vol. V., Fasc. 1, Invol. 19. That there were numerous other servants of the society, especially for the earlier period, appears constantly. Others mentioned in a document in the Hamburg library are the court-tailor, matron, brokers, and packers. *Ibid.*, Invol. 2.

[2] *Ibid.*, Invol. 19.

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potentiaries to the Diet of the Empire, on the reception and entertainment of guests of high standing, or contributed toward the expenses of "the Royal Navy" and "The Army in Scotland. [1]

But a more active agency in the overthrow of the society at Hamburg than its own internal decay made its appearance in the latter half of the eighteenth century. Ignorant of the true state of the English company and of its affairs, and judging it chiefly by the prestige which still remained from its former greatness, the French frequently endeavored to induce the Hamburg Senate to proceed against the English society. The Senate was importuned to grant the establishment of a French company "with the same privileges as those so long enjoyed by the British Society of Merchants." [2] The instructions to the French agent from his government in regard to the embargo on the commerce of the Elbe in 1761 declare, "the establishing of such a company, the court of France has had in view for a long time, and for which purposes it has caused proposals to be submitted by the late M. Poussin and to be continued although without success by M. de Champeaux." [3]

But though the Senate could resist the diplomatic encroachments of the French government in the eighteenth century, it was soon to find itself powerless to withstand the imperative orders of Napoleon. While he was formulating for himself the plans for the destruction of British commerce, Napoleon naturally remembered the intimate relations between Hamburg and England. He believed that there were great numbers of Englishmen [4] resident at Hamburg, and he looked upon the city as the ally of the enemy.[5] It was therefore to be expected that he would give special attention to Hamburg. On November 19, 1806, Marshal Mortier with a body of six thousand French troops occupied the city in the name of the Emperor, and in accordance with detailed and definite instructions [6] from Napoleon he proceeded at once against English

[1] Here again it should be remembered that some of these matters, as for example the heavy loans to the government, in all probability would not always find their way into the financial statement of the society's treasurer, since they frequently concern the Adventurers as individuals and not the company in its corporate capacity. For the relations of the Adventurers to the finances of the government see the index to the *Calendar of State Papers* for the reign of Elizabeth and the first half of the subsequent century.

[2] Letter from Lord Bute in answer to Mr. Mathias, July 28, 1761. Record Office State Papers, For. 1761, No. 74.

[3] *Ibid.*

[4] *Hamburgh Complaints*, Enclosure in No. 8, Appendix G. Cf. also Hitzigrath, *Hamburg und die Kontinental Sperre* (Hamburg. 1900).

[5] In the order by the French to value and confiscate all goods at the Leipzig October "Messe" in 1806, the chief motive ascribed for the act is the fact that Leipzig was well known as one of the principal emporiums for English wares, and therefore a dangerous enemy of France. *Correspondance de Napoléon Ier*, XIV. 17.

[6] *Ibid.*, XIII. 542.

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commercial interests. At his express command the Senate on November 21 published an order that all British goods should be seized; that all bankers and merchants in the possession of moneys or goods derived from English manufactures, regardless of whether they were the property of Englishmen or not, declare such in writing within twenty-four hours. To insure honest declaration a house-to-house search and military execution was threatened. Six days later, November 27, the Senate published the Berlin Decree with a number of interesting articles of its own providing for the carrying out of the decree.[1]

The third article of the order decreed the arrest as prisoners of war of all Englishmen: "Every individual who is an English subject, of whatsoever state or condition he may be, who shall be found by our troops or the troops of our allies in the countries occupied by us, shall be made a prisoner of war."

Following immediately on the publication of the order of November 21,

"the houses of the different members were surrounded by military force. Several officers entered the same, sealed the offices as well as the warehouses, placed sentinels before them and brought away the following members[2]: Mr. Governor Blacker, Mr. John Blacker, Mr. John Thornton, Mr. George Smith, Mr. W. A. Burrowes and Mr. Secretary Coleman, conveying them on foot, under military escort, to the chief of staff, General Gaudino, who, after having identified their persons, informed them that by order of the Emperor, they were prisoners of war and as such they might expect shortly to be transported to Verdun."[3] The prisoners pro-

[1] The proclamation of the Berlin Decree with the articles appended by the Senate affords an admirable illustration of the manner in which the Continental System was introduced throughout the continent. The following is the form in which it was interpreted and given to the Hamburgers by the Senate: "PUBLICANDUM. — In pursuance of a note received by the states of Lower Saxony from his Excellency the Imperial French ambassador, the venerable and esteemed Senate is moved to make known through the present proclamation to the public for its information and observance the dispositions of the Imperial Decree of November 21 of this present year." Then follow the eleven points of the Decree declaring the British Isles in a state of blockade, etc. Signed by Napoleon.

Appended to it is the following order by the Senate, dated Hamburg, November 27, 1806: "In pursuance of the above-mentioned regulations and order, the right worthy Rath orders as follows: 1. All burghers and inhabitants of this city must, within the space of forty-eight hours, make an accurate report of all colonial wares emanating from English colonies or belonging to Englishmen or to subjects of England. 2. All correspondence with England ceases entirely. 3. No Englishman will be permitted to come to Hamburg or to remain in Hamburg. 4. No English post and no English will be permitted to come to Hamburg or to pass in transit. 5. No vessel coming from England or having entered there shall be permitted to enter the harbor at Hamburg.

The reports ordered in the first article are to be made to the 'Herrn Inspecteur aux revues Brémond (Gröninger-Strasse, No. 66).'"

[2] The consul, Sir Edward Thornton, together with the majority of the English, had taken the precaution to leave before the arrival of the French. Cf. the entry of the Church Register, cited above, page 266.

[3] Napoleon's intention to make Verdun a sort of camp for Englishmen captured on the continent is well known.

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tested, representing that they were under the immediate protection of the city and entitled by agreement to the same rights as the burghers, but all to no purpose. On the 22nd they were allowed to return to their homes on giving their word of honor to remain within the city and appear when called for. Each member however, was given a special guard who kept a strict watch over all his actions, "a measure of precaution as oppressive as it was humiliating to men of honour."[1]

They were ordered to complete the inventory and declaration of their goods. An official statement was transmitted to the Senate in which the whole was valued at 420,000 marks banco — £ 35,000 sterling.

In the meantime they appealed to the Senate, by whom Syndic Van Sienen was appointed a special representative to confer with the Adventurers. But before anything was done for them the situation suddenly took a turn for the worse. General Mortier had left the city, and on December 7 his successor, General Laval, transmitted to the prisoners an order to set off on the ninth for Verdun, under military escort. Desperate efforts were made to avert this necessity. A delay in the execution of the order till the fourteenth was secured through the good offices of the French Minister, Bourienne,[1] who finally informed them "under his personal responsility" that they might ignore the written order to depart for Verbidun, and defer their journey until further orders. They were also relieved of the inconvenience of being constantly attended by a guard, and at Bourrienne's suggestion applied to the Senate, "requesting them to guarantee the value of the goods contained in the warehouses belonging to the Factory" in order to induce the French authorities to remove the seals. The request was made, but the Senate was not at all anxious to grant the security. When the guaranty was finally furnished and the seals taken off the warehouses, the members were called before a committee of the Senate and obliged not only to promise to keep their goods at the disposal of the Senate as a security for the sum guaranteed, but also to furnish additional security in case the sequestered goods should prove deficient in value.

During the three months that followed the members were left in comparative tranquility. They were allowed to open their warehouses and dispose of all goods "not proved to be of English manufacture, or produce of their colonies." About the middle of

[1] Narrative of Proceedings against the Company of Merchant Adventurers of England residing in Hamburgh, in consequence of the occupation of that city by the French Troops, in the year 1806. *Hamburgh Complaints*, Enclosure in No. 8, appendix G.

[2] An article is announced by the editors of the *Revue Historique* for the November–December number on "Le rôle de Bourrienne à Hambourgh," by G. Servières.

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July, however, Bernadotte, Prince of Ponte Corvo, succeeded to the command at Hamburg. On August 13 the members were asked by the French commissary, M. Ricard, for facts concerning, not merely the relation of the French authorities to the factory during the occupation, but also "the most material points of connexion existing between the Factory and the town." The information was promptly furnished, and all apprehension was allayed by the assurances of M. Ricard. They were greatly surprised, therefore, when on August 20, "late at night," they received an official letter from M. Ricard stating that by order of the Emperor and in conformity with the intentions of Bernadotte the members were immediately to give up the title of a British factory and break off every commercial communication or connection that might subsist amongst them; that they were to give a decisive reply, in the course of twenty-four hours; make an early application to the Senate, declaring their renunciation of the title and privileges of a British factory; and request from the Senate the publication of a decree to this effect.[1] Unable to make any resistance, they accepted the situation, and presented a memorial to the Senate on August 24 requesting that a committee be appointed to regulate their affairs. On August 29 they met in committee and submitted the form of an act of renunciation, after having received an order on the previous day from the Prince that the act must be furnished within twenty-four hours.

After much haggling with the committee of the Senate, an agreement was reached and handed to the French authorities, by whom it was returned as unsatisfactory. The same fate befell the second agreement, notwithstanding the fact that the Senate had on August 31 made public a decree accepting it as the final act of renunciation. It was returned on September 1, Bernadotte objecting to the expressions of the act that implied that the renunciation was due to orders from the Emperor. He insisted that it be made to appear as the uninfluenced wish of the factory and not as an act of compulsion. "To this humiliating step the members were obliged to consent, and the same act having been passed by the Senate in its new prescribed form on the 2d of September, it proved at last satisfactory to the French authorities."

The act of renunciation of the residence having thus been agreed to by all the parties, it still remained to settle upon the exact terms

[1] It is difficult not to suspect some understanding between the Hamburgers and the French. The Senate feared that it could not set aside the contract of its own accord without incurring the displeasure of the British government. The occupation of the French afforded an excellent opportunity to secure the desired result and at the same time to shift responsibility.

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of the agreement, as well as to determine upon the standing of the old members of the society. On September 4 the latter "yielded to the pressure of circumstances" and became citizens. The final settlement of the factory's interest was not reached, however, till April 20, 1808. The agreement[1] then entered into provides in generous terms for the surviving members of the court as well as for all those associated with it as servants. "Officers and servants of the former court, and their widows not engaged in trade," are permitted "to live under the protection and jurisdiction of the city, without further arrangement, and without the payment of taxes and contributions." Surviving members of the society are exempted from all military duties and civil offices, and in all cases not expressly provided for they are to enjoy the same rights and duties as citizens. For the surrender of all claims upon the property[2] of the court, the Senate guarantees to pay 80,000 marks banco (about £6,000), also 23,500 marks banco to secure the reversion of the grounds of the bowling-green and the house built thereon by the society in 1770. Further, in consideration of the fact that the English House had become the property of the city by the act of renunciation in 1807, "the keys of the entrance and of the principal building having been given up," the Senate grants "that the former Court-master, Mr. Joseph Blacker, shall have his house rent free during his own life and that of his wife" or the yearly compensation of 15,000 marks. Similar provision is made for the secretary, Mr. Coleman; the beadle, Mr. Daniels; and Jean Smith, the housekeeper, 1,500 marks being guaranteed the secretary annually after he vacates the house, and 400 each to the others. And lastly on the representation of the members of the court that by the dissolution of the society "the sources from which the salaries of their attendants had hitherto been drawn were entirely cut off," the Senate engaged in the name of the city to pay from the following Easter for an indefinite time the following salaries and pensions[3]: the yearly salary of the former secretary, 3,000 marks; of Beadle Daniels, 600 marks; of the former bellows-blower Gurgens, 60 marks; the pension of Mrs. Ross, 400 marks; the pension of Mrs. Behin, 360 marks; the pen-

[1] Agreement between the resident members of the English Company and the Senate of Hamburg, April 20, 1808. *Hamburgh Complaints*, Enclosure in No. 8, Appendix H.

[2] From the report of the commission concerning the factory at Hamburg, in 1824, it appears that this was in the form of obligations upon the city treasury. *Hamburgh Complaints*, Enclosure No. 8.

[3] By the clause immediately following the Senate reimbursed itself by stipulating that the obligation of 23,500 marks for the bowling-green should not be enforced so long as any of the pensions continued, and that the interest was to be applied on the payment of the pensions.

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sion of Mrs. Hammond, 200 marks; to the organist in full of future demands, 400 marks.

The personal property of the court was given for safe-keeping to William Burrowes, George Smith, and John Thornton. The first received the organ and books of the church, the second the library and the church plate, the third the registers and other documents.[1] Besides this there remained certain bequest moneys[2] bequeathed at different times to the society for the encouragement of young merchants, who were entitled to the use of them without interest.

In this manner ended an institution that had continued for centuries, at times with power and splendor, always with dignity. At Hamburg the first settlement of the society was effected in the face of the most determined opposition of the Hanse League; the dissolution, the death-blow to its existence in the imperial city, came, as we have seen, from Napoleon. In turn the Adventurers were obliged to defend themselves against the two most formidable enemies of England's commercial ambitions. Against the former, represented chiefly by Lübeck as the leader of the Hanse interests, they were eminently successful by the beginning of the seventeenth century. Against the latter, two centuries later, they had not even the strength left to make a vigorous protest. Their organization had lost its vitality; its methods, its policy, were those of a bygone age. The society had long ceased to be a determining factor in the commercial life of England, but like many other institutions that have outlived their usefulness, the Merchant Adventurers Society continued an uneventful existence long after its trade, its wealth, its power, and its influence had departed.

WILLIAM E. LINGELBACH.

[1] This would seem a very definite clue to the whereabouts of valuable records, but Mr. Thornton had nineteen children, and thus far only the papers in the possession of one of these, George Thornton, have been found.

[2] For the nature of these "Bequest Monies" see the chapter on "Bequest Monies" in *Lawes, Customes and Ordinances*, "Translations and Reprints," N. S. Vol. II. 136–146. These moneys at the time of dissolution were in the hands of the following members: Joseph Blacker, the court-master, £ 1,000 sterling; John Blacker, 1,000; John Thornton, 1,000; William Alexander Burrowes, 1,000; George Smith, 500; James Sturtevant, 1,500.

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NATURALIZATION IN ENGLAND AND THE AMERICAN COLONIES

THE relations existing between England and America during colonial times are full of interest, and perhaps no question is more important than that of immigration and subsequent citizenship. During the hundred years that preceded the Revolution many foreigners came voluntarily to the English colonies in search of homes and by their industry aided materially in the upbuilding of America, while still others became British subjects as a result of British conquest. The political status assigned to them both by England and by the colonies has as yet received little attention, and one of the interesting and neglected questions connected with the newcomers was naturalization. Almost the only discussion of the subject is the brief monograph by Miss Cora Start, "Naturalization in the English Colonies,"[1] which outlines the question along political rather than legal lines. There is still room to investigate England's attitude on citizenship, and the effect of English law and opinion. With the purpose of supplementing Miss Start's work and of studying early English and colonial laws upon naturalization, this paper has been prepared.

Most nations have their era of provincialism, when their life and thought is self-centered; when they regard others as inferior and assert the superiority of their own strength. Coming in touch with outsiders, they call them barbarians, foreigners, or heathen Only by degrees are the barriers of race-suspicion and race-prejudice broken down, and many different factors have a share in the broadening process. Trade and commerce, war and strife, have forced peoples into close contact and compelled them to recognize the good in others. Slowly each has learned that no nation "liveth unto itself." Toleration has grown and developed as this fundamental proposition has been recognized, but real equality was not granted until a country was willing to admit into its family life those who had been born without its borders. Naturalization has been the initiatory rite by which outsiders have been admitted to the privileges of the national life, but a long struggle was necessary before such privileges were fully recognized and freely given.

[1] *Annual Report of the American Historical Association, 1893*, 317–328.

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In bitter opposition to naturalization has stood the doctrine of indelible allegiance which forever binds a man to the flag under which he happens to be born. After nations have shown a willingness to admit foreigners to their fellowship, they have not recognized any right upon the part of their own subjects to become citizens of other countries. With curious reasoning they have welcomed strangers to their fold, while saying that their citizenship should hold against all. Even the United States, the foremost advocate of individual freedom, has suffered from this conflict of ideas. Executive officers have most consistently upheld the liberal view, while the judiciary has followed the narrower view of the common law as inherited from England.[1] Moreover, the doctrine of indelible allegiance is still strong, for original citizenship easily reverts even in the present day.[2] Great Britain held steadfastly to the above doctrine until 1870. "Once an Englishman, always an Englishman" was her watchword, and most faithfully did she uphold it. Thus, in 1703 Attorney-General Northey gave an opinion in which he held that if a person was naturalized without the license of Her Majesty, that fact would not discharge him from his natural allegiance,[3] and the same principle was again strongly asserted in the Æneas Macdonald case of 1745.[4] The mere fact of birth on English soil was all that was necessary, and no allowance was made for one who had lived and been educated abroad. In fact, personal considerations were never permitted to stand in the way, and England's power was used vigorously against those who in any way forgot their true allegiance. If English ships were in need of crews, and English subjects were found serving aboard foreign vessels, there was no hesitation about taking them — by force, if necessary. This annoying procedure was at its worst stage during the Napoleonic wars, when neutral rights were completely overridden. Then it was that the United States took a stand for the rights of neutrals and asserted the principle of expatriation and naturalization. Although brought up in the traditions of England and inheriting her legal ideas, the United States took an opposite view, which in time the mother-country adopted. The development of the American idea is well worth study, and can be understood only by investigation in that period of tutelage and semi-independence, the colonial era.

[1] This conflict of ideas is well shown in the *Opinions of the Attorneys General*, VIII. 139–169; 2 Cranch 82, note; Prentice Webster, *Law of Citizenship*, 74.

[2] The reversion to original citizenship is brought out in the naturalization treaties which the United States began in 1867. A comparatively short residence in the land of one's birth restores the former status.

[3] George Chalmers, *Colonial Opinions*, 645.

[4] Foster's *Crown Cases*, 59. Quoted by Sir Alexander Cockburn in *Nationality*, 64.

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Before discussing colonial conditions, it will be necessary to learn what ideas regarding citizenship and allegiance the colonies inherited from England. All Englishmen coming to America brought with them the common law, which in this case rested upon the feudal law, whereby every man was attached to the soil and owed allegiance to the overlord upon whose land he was born. Thus allegiance and citizenship, like family and race, were determined for the individual by his birth. Personal choice was not recognized; political institutions rested on natural laws. England held to that principle without a break until 1350, when she permitted children that inherited and were born out of the English allegiance to have all the rights of natural-born subjects. It is worth noticing that in this respect the United States courts followed English principle and maintained the feudal law until 1855, when citizenship was extended to persons born of American parents outside of the United States.

England at first divided the people who dwelt within her borders into three classes — natural-born subjects, aliens, and denizens. The first two do not need definition; the last applies to a class of residents occupying a position between the other two. Denizenship was a status conferred upon an alien by letters patent issued by the monarch, whereby the foreigner was enabled to hold lands as well as inherit and transmit property to the children that were born after denization was granted.[1] These letters were considered matters of high prerogative and could be issued only by the king. The status thus given bestowed on the recipient a distinct advantage which the alien did not possess, inasmuch as the latter could not inherit or hold lands, although allowed to have personal property. The privileges of denization were very precarious, for they rested upon the monarch's will alone, and consequently were apt to be withdrawn. There was such a withdrawal of privileges in the time of Philip and Mary. One of the laws of the time provided that letters of denization that had been granted to Frenchmen since 32 Henry VIII. might be repealed by a proclamation made to that effect, and that while the lands of all such denizens might descend to their heirs, yet the profits of the lands during the life of the denizen should go to the Crown.[2] The same law provided that aliens who were licensed to stay in the realm had to give security that they would obey the laws. Even in the time of Henry VIII. we find laws commanding all foreigners having letters of denization[3] to obey

[1] *Ibid.*, 28.

[2] 3 and 4 Philip and Mary, Chap. 6, *Stat. of the Realm*, IV. 327.

[3] 32 Henry VIII., Chap. 16. *Ibid.*, III. 765. See also 21 Henry VIII., Chap. 16. *Ibid.*, 297.

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the laws relating to strangers and aliens. These acts express the fear and jealousy of foreigners which seems to be innate in so many nations, and which in English history can be traced back to the time of Alfred the Great.[1]

Besides denization there were two other methods by which an outsider might enter the British family fold, *viz.*, naturalization and conquest. By the former a man was given the rights of a natural-born subject; by the latter his allegiance was changed and he was made a subject of England, but he was not necessarily given the full rights of one who was born in England itself. The privileges of naturalization might be conferred upon a person either by general act, applying to a class of people, or by special act, applying to particular individuals. The latter was the early method, while general laws were a later development.

It will be necessary to consider the English law of citizenship in detail, because some of these acts affected the colonies directly, while others, by making a man a citizen in England, affected his status in America. It is doubtful, however, if letters of denization gave any rights outside of England. We have already seen that the first break in the old feudal idea came in the time of Edward III., when children of English parents born out of the king's allegiance were given the rights of citizenship.[2] Primarily the law was intended for ambassadors' children, and would only touch the colonies in case such persons went thither. Another act of Edward III. provided that children born beyond the seas in the king's dominions could inherit in England.[3] This was an extension of English privileges, although by no means a departure from the principle of the ancient law, for place of birth was still the all-important factor.

Thus matters stood until the time of James I., when religious qualifications were demanded from all those that were naturalized. In the seventh year of James's reign it was declared that naturalization was merely a matter of grace and favor on the part of the monarch and should not be bestowed upon any except such as were of the established religion of the kingdom: "That no person or persons of what quality, condition, or place soever, being of the age of eighteen years or above, shall be naturalized . . . unless the same person or persons have received the sacrament of the Lord's Supper within a month next before any bill exhibited for that pur-

[1] In Alfred's time no alien merchant was allowed to reside in England upward of forty days except in fair-time. Cockburn, *Nationality*, 139.

[2] 25 Edward III., Statute I. *Stat. of the Realm*, I. 310.

[3] 40 Edward III., Chap. 10. *Ibid.*, I. 389.

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pose ; and also shall take oath of supremacy and the oath of allegiance in the Parliament House before his or her bill is twice read." [1] The oath of allegiance and the sacraments here demanded acted as a restraint on the naturalization of conscientious Catholics and of all others having scruples in regard to Anglican forms. This restriction lasted many years. Charles II. passed a law naturalizing the children of those who had followed him into exile, and thus all English children born abroad during the years 1641–1660 were made English citizens.[2] Such an act, however, would affect the colonies only in case a person so naturalized went to America.

During the first years of his reign, William III. made but few changes in the law established by his predecessors,[3] but in 1700 an important act was passed, which provided that any natural-born subject could inherit even if his father, or mother, or any ancestor through whom he might claim was an alien.[4] This placed the children of aliens in the colonies on a par with those in England itself. Henceforth there was no distinction between a colonial and an Englishman in the matter of inheritance.

In the reign of Anne came still another advance in English liberality, for provision was then made for the naturalization of foreign Protestants.[5] This was the first general naturalization law, and it proved to be a long step forward. Conditions on the continent were such that many Germans were seeking new homes, and the seaports were crowded with refugees. At Frankfort they sought the aid of the English minister, who was instructed to tell the Palatines to get the consent of the Elector to their expatriation.[6] This is apparently the only occasion on which England has been particular to ask that those seeking homes within her borders should receive the consent of their rulers. However, England did not insist upon formal permission, and these people seem to have come without it. The Germans flocked to Great Britain during the spring of 1708 ; and Queen Anne, moved with pity at their sufferings, granted them a shilling a day and took steps to send them to the British colonies in America.[7] Some of them were naturalized

[1] *Ibid.*, IV. Pt. II. 1157.

[2] 29 Car. II., Chap. 6. *Ibid.*, V. 847.

[3] The only law passed in the first years of William's reign on naturalization was 9 Wm. III., Chap. 20, which naturalized the children of natural-born subjects that were born abroad between the years 1688 and 1698.

[4] *Stat. of the Realm*, VII. 590.

[5] *Ibid.*, IX. 63.

[6] Even in England it was necessary to get from the monarch permission to emigrate. Under Elizabeth the law was that no one could leave the kingdom without license under the great seal on pain of losing his personal property. Chalmer's *Political Annals*, 26.

[7] L. F. Bittinger, *The Germans in Colonial Times*, 59.

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without fee and were given transportation to the colonies. They continued to come to England, and in October, 1709, there were some 15,000 of these poor and destitute foreigners encamped near London,[1] whose citizens became greatly interested in the strangers. The government was finally forced to take a hand in the matter, and as a result many of them were naturalized and sent to America.[2] Tools were furnished them together with free passage and promise of help during the first year. This promise was not kept, especially in the case of those who went to New York, and the result was severe suffering, which caused an immigration into Pennsylvania.[3]

According to the law passed in 1709, the naturalized had to take the oath of allegiance, and partake of the sacrament before witnesses, who signed a certificate to that effect. In addition, all the children of naturalized parents were to be considered natural-born subjects. When the Tories finally gained control of Parliament in 1712, they succeeded in having the law repealed, but the results were not overthrown, for the repeal was not intended to invalidate naturalizations already granted.[4]

The most important act affecting the colonies was passed in 1740, when English citizenship was established upon a broad basis. Colonial laws were overridden and in a measure superseded, since an alien colonist was permitted to obtain a status which would have equal value in every colony. The law provided that any person born out of the allegiance of the king of England who had resided in the colonies for seven years, and during that period had not been out of them at any one time for more than two months, could be naturalized by taking the oaths and subscribing to the declaration.[5] The act permitted Quakers to affirm and in administering oaths to Jews the words "upon the true faith of a Christian" were to be omitted. A fee of two shillings was collected for the entry of the names in a public record-book. Colonial naturalization certificates were to be recognized in the courts of Great Britain and Ireland, and colonial secretaries were ordered to send every year to England a list of the persons so naturalized. In this, as in previous laws, the sacraments had to be received in some Protestant or Reformed congregation within the kingdom of Great Britain or in the colonies three months before the oaths were taken. Limitations were placed upon office-holding in England, and no person under this act could

[1] *Ibid.*, 65.
[2] 7 Anne, Chap. 5. *Stat. of the Realm*, IX. 63.
[3] S. H. Cobb, *The Story of the Palatines*, 197–199.
[4] 10 Anne, Chap. 9. *Stat. of the Realm*, IX. 557.
[5] 13 Geo. II., Chap. 7. *Ibid.*, XVII. 370.

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be admitted to the Privy Council or either house of Parliament, nor could such a one hold any office, civil or military, within the kingdom of Great Britain or Ireland. Otherwise, English rights and privileges were freely and fully given.

The lawmakers of the realm seem to have been in remarkably good humor, for in 1753 they went so far as to pass a law which permitted the naturalization of Jews that still held the Jewish faith, providing they had resided for seven years in America and would fulfil the requirements of the law just mentioned, with the exception of taking the Lord's Supper.[1] Parliament had evidently gone beyond what the country would support, however, for the act was repealed the following year on the ground that it disquieted the minds of many of His Majesty's subjects. Naturalization legislation continued to be enacted, and as late as 1773 it was provided that foreign Protestants who had served for two years in any of the royal American regiments could become naturalized under restrictions regarding office-holding in England.[2]

It was evident, however, that England had resolved to keep the matter of citizenship under her immediate control; for, in the same year, instructions were issued to all governors in America not to give their consent to any naturalization bill passed by the legislative bodies of the colonies under their charge.[3] The following year, 1774, an act was passed to prevent people from becoming naturalized merely for the sake of claiming the immunities of British subjects in foreign trade.[4]

We have now followed in some detail the development of the English law and have noted a steady progress. Starting with a distrust of outsiders, England advanced to the point where she was willing to take large numbers of foreigners into her body politic and give them almost equal rights with the most favored of her natural-born.[5] Although England broke with the old feudal principle by recognizing as citizens people born outside of her territory, she did not readily give up the idea of inalienable allegiance so far as her own subjects were concerned, and consequently held to that principle until the last part of the nineteenth century. The seventeenth century brought with it religious qualifications, which were enforced until the middle of the eighteenth century. The earlier laws had in mind chiefly matters of inheritance, but the last two cen-

[1] 26 Geo. II., Chap. 26. *Ibid.*, XXI. 97.
[2] The same restrictions as in the act of 1740.
[3] *New York Colonial Documents*, VIII. 402, 564.
[4] 14 George III., Chap. 84. *Statutes at Large*, XXX. 554.
[5] The privileges withheld were the holding of offices in England.

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turies introduced sweeping naturalization acts, marking a liberality and broad-mindedness for which England has received too little credit.

Turning to a comparison of colonial with English conditions, we see that there was at no time throughout the English colonies that great distrust of foreigners which was to be found in England. Although it must be said that New England and especially Massachusetts Bay turned a cold shoulder to new-comers, and received with but few exceptions only those that strengthened the narrow theocratic state, on the whole strangers were welcomed; for the greatest need of America was men to develop the resources of the country.[1] While Europe was overcrowded, the colonies offered land in abundance, which could be had for almost nothing. America gave men an opportunity to build homes and fortunes free from the political, religious, and economic tyranny of the Old World. Proprietors of new colonies were anxious to obtain settlers and made inducements to new-comers. William Penn made special trips to the continent for the purpose of enlisting colonists and, not satisfied with that, he issued printed circulars, which set forth the glories of the land beyond the seas and the fortunes that awaited the immigrant.[2] One would almost think that he was reading a modern advertisement, and the whole movement closely resembles that of the nineteenth century when the northwestern states held out inducements to the Swedes and Norwegians. The seventeenth century drew its immigrants from England, Ireland, and Scotland, while most of the foreigners that came here were French Protestants. The eighteenth century marked a great change in colonization, for modern methods were brought into use, and the movement became more general.

The foreign immigrants went chiefly to the central and southern colonies, this being especially true of the Germans and the Scotch-Irish. New England, on the other hand, kept strict watch over all immigrants and favored the Independents. Consequently that part of the country remained more purely English than any other. The immigrants found their way to the frontiers, where they cleared the land and formed a bulwark against the Indians. New York and Virginia seemed, with that definite object in mind, to push the strangers to the west.

[1] Pennsylvania took a different view in 1729, when the government, frightened by the influx of foreigners, laid a tax on all new-comers, but this was repealed shortly. E. E. Proper, *Colonial Immigration Laws*, 50.

[2] George I. himself sent a special agent to the Mennonites of the Palatinate to suggest settlement in Pennsylvania. *Pa. Mag. of Hist.*, II. 126.

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Turning to the attitude of individual colonies, we find Massachusetts upholding, as we should expect, the notion of a close corporation, membership in which was given with great care. Outsiders desiring admission had to seek the permission of the authorities. In 1662, by a resolve of the general court, a few French Protestants were permitted to enter the colony,[1] but it was not until 1700 that a general immigration law was put in force. Every ship coming into the ports of Massachusetts had to furnish to the authorities a list of the passengers, and this was followed a few years later by an act which forbade the importation of poor, infirm, or vicious people. The French Protestants that went there behaved themselves so well that in 1739 an act of naturalization was passed in their favor.[2] The spirit of exclusiveness, however, was by no means overthrown, for we find an English traveler writing as late as 1760 that few people of foreign birth were to be found dwelling in Massachusetts.[3] Connecticut was in the habit of demanding an oath of all strangers who came to dwell within her territory. New York had little or no immigration until the coming of the Germans. In fact, Governor Dongan called attention to the small number of immigrants who entered the province after its capture from the Dutch.[4] When immigration did come, it spread into the Mohawk valley and from there into Pennsylvania. Most of the southern colonies offered grants of land to attract settlers, and the possession of land gave not only material wealth, but also social rank and, generally, political privileges. Acts were passed to secure and guarantee these land-titles, and in some cases taxes were exempted.[5] South Carolina went so far as to prohibit the collection of money for all debts that had been contracted before the person came to the colony. This made the territory a refuge for those who had suffered under the severe English laws and was naturally much disliked by the creditor class.

Side by side with the material inducements held out to the newcomers should be placed the development of colonial laws by which the foreigner was made a full member of the body politic. The colonies employed the same methods of naturalization that England used. Letters of denization were issued by the governors; then there were special acts of the legislature relating to particular persons; and finally there were general naturalization laws. Colonial

[1] Chalmers, *Political Annals*, I. 315.

[2] Proper, *Colonial Immigration Laws*. See under "Immigration Laws of New England."

[3] *Ibid.*, 30.

[4] *Ibid.*, 39.

[5] *Ibid.*, Chap. I.

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legislation, however, was much more limited than that of England, for no colony could give any rights outside of its own borders. Chalmers says that the naturalization acts gave many valuable rights, such as the privilege to acquire lands and to vote at elections, but that they were not intended to give the new-comers the right to act as factors and merchants or to own vessels, for that would be contrary to the navigation laws.[1] Aliens pleading colonial acts of naturalization as a protection for their trading had their vessels seized and condemned by the courts of admiralty, whose decisions were sustained on appeal to the king in council. Chalmers complained that several governors, who were of royal appointment, had given letters of denization, under which aliens had traded contrary to the navigation acts.[2] On this account William ordered that no more letters of denization be granted,[3] but as a matter of fact they do not seem to have been used in the colonies to any extent. The limited character of colonial naturalization is shown in repeated decisions. For example, Chief-Justice North ruled that a Virginian naturalization had merely local effect and did not confer the privileges of citizenship in any other colony.[4] The solicitor-general in 1718 held that a New Jersey act merely gave the rights of a natural-born subject in that province alone, and consequently there would be no harm in approving it.[5]

In studying colonial laws we are met at the outset with the lack of collections that are in any sense complete. New York and Pennsylvania deserve great credit for their collections, which have been most carefully prepared under the direction of the state. Massachusetts and Virginia also have collections that furnish one all that is needed. As an illustration of the difficulty arising from the lack of material, we may notice that while Chalmers maintains that Maryland was the colony to pass the first naturalization act, in 1666,[6] the Maryland laws are not accessible to enable us to determine the exact fact. It is also said that many people of alien races went thither and became citizens under this and subsequent acts.

The first naturalization law of South Carolina was passed in 1696, and whatever rights were previously given to foreigners must have been given by special acts or by letters of denization of which

[1] Chalmers, *Political Annals*, Book I., 316.
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*, 321.
[5] Chalmers, *Colonial Opinions*, 133. See also foot-note.
[6] Chalmers, *Political Annals*, Book I., 315.

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we have no record. The preamble of the act recited that the newcomers had greatly enriched the province by their "industry, diligence and trade."[1] Consequently it was enacted that "all aliens, male and female, of what nation soever, which now are inhabitants of South Carolina, their wives and children, shall have, use and enjoy all the rights, privileges, powers and immunities whatsoever, which any person born of English parents within this Province may, can, might, could or of a right ought to have, use and enjoy; and they shall be henceforth adjudged, reputed and taken to be in every condition . . . as free . . . as if they had been and were born of English parents within this Province." It made valid all bargains and sales that had been made previous to the act, and also provided that any person to obtain the benefits here established must petition within three months. No one was to have the benefits of the law unless he should take an oath of allegiance to King William.

The above legislation was limited to the aliens already in the province, and hence provided no general and lasting method for naturalization. Other foreigners equally worthy came to South Carolina in the next few years, and consequently further legislation was necessary. In 1704 another law was passed providing that "all aliens which shall hereafter come into this part of the Province, their wives and children, shall have, use and enjoy all rights, privileges . . . as if they had been born of English parents within the Province."[2] An oath of allegiance to Queen Anne was demanded and, in addition, one against popery. No alien naturalized by this act could be elected a member of the general assembly, but he could vote, providing he was of age and had the necessary property qualifications.

No more laws upon this subject were passed by South Carolina, and until after the Revolution all foreigners were naturalized under the act of 1704. In 1712 the assembly reënacted certain English laws, and among them the one of William III. providing that a natural-born subject might inherit estates even though his father or mother or the person he inherited from was an alien.[3] This merely strengthened the rights of the natural-born, but did not change naturalization. Its main interest lies in the fact that the assembly was in the habit of accepting English laws bodily.[4]

[1] Thomas Cooper, *Statutes at Large of S. C.*, II. 131.

[2] *Ibid.*, 251.

[3] *Ibid.*, 401.

[4] North Carolina and Georgia have no good collections of laws, and hence I have found it impossible to trace the history of naturalization in those colonies.

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Virginia does not seem to have been bothered with an influx of foreigners during the first half-century of her life. The first legislation touching aliens is the law of 1657, which placed all aliens in the same status as Irish servants that came to the colonies without indentures, and made them serve from six to eight years.[1] Evidently, Virginia was not anxious for the presence of strangers at that time, but by 1671 the desires of the people had changed, for we have an act whose preamble recites the advantage of inviting other people to reside in the province. Any stranger desiring to make his home in Virginia might, after a petition to the general assembly and the taking of certain oaths of allegiance and supremacy, have an act passed that would give him all the privileges of a natural-born subject, but it was definitely stated that the benefits of the act were limited to the province. The speaker of the assembly was to receive eight hundred pounds of tobacco as a fee, while the clerk was to have four hundred.[2] A number of persons took advantage of these provisions, and during the next ten years a large number of private acts, naturalizing anywhere from one to ten persons, were passed.[3] In 1680 the assembly enacted that the governor could by a public document given under the great seal declare any alien or foreigner who was at that time living in the colony, or who should come thither in after years, naturalized on his taking the oath of allegiance. The governor was allowed a fee of forty shillings and the clerk twenty. One of the clauses provided that nothing in the law should give privileges contrary to the laws of England, evidently having in mind the navigation acts.[4] The governor continued to be the dispenser of privileges to aliens down to the Revolution.

Attention has already been called to the eagerness with which Penn sought on the continent new settlers for his province, and we are therefore prepared to find that he was liberal in the matter of naturalization. The colony was hardly established before an act was brought forward. On December 7, 1682, provision was made that all foreigners residing in the province could have all the rights of freemen by taking the oath of allegiance to the king, and one to William Penn as proprietor. The oaths were to be taken in the county courts, and a certificate under the seal of the governor was to be given, for which a fee of twenty shillings might be charged.

[1] Hening, *Statutes of Virginia*, I. 471. The exact meaning of the law is hard to determine and there is need of authoritative commentary.

[2] *Ibid.*, II. 289.

[3] *Ibid.*, 302, 308, 339.

[4] *Ibid.*, 464.

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The law was intended primarily for the three lower counties on the Delaware, where there were many foreigners.[1] The assembly declared this a part of the fundamental law in March, 1683, but the declaratory act was repealed in 1693.[2] However, the naturalization law itself seems to have endured until 1700, when it was repealed.[3] Another law was passed the same year, which enabled the governor in a public instrument given under the great seal to declare "any alien, aliens, or foreigners being already settled or inhabiting within this government, or shall hereafter come to settle, plant or reside therein, having first given his or their solemn engagement or declaration to be true and faithful to the King as sovereign, and to the proprietor and governor of this province . . . to be to all intents and purposes fully and completely naturalized." The fees provided were small, and the declaration was made that no privileges were given which were forbidden by the law of England. In addition, it was declared that all Swedes, Dutch, and other foreigners that were settled in the province or territories before the issuance of letters patent should be considered fully and completely naturalized.[4] The law was repealed in England in 1705 in accordance with a report of the attorney-general, who held that the proprietor had no right to declare the Dutch and Swedes naturalized.[5] Until 1742 Pennsylvania naturalized by private act,[6] often grouping a large number of foreigners into one bill, but in that year a law was made which merely copied that of George II., which, as we have seen, provided a general method of naturalization for all the colonies.[7] Even after this date, however, the province continued to naturalize by private act,[8] and thereby frequently gave full rights to people that had resided in the colony a shorter time than the term provided in the English act.

A few words are sufficient to show what was done in the other colonies south of New York. We have already noticed the statement that Maryland had the honor of passing the first naturalization act in 1666, but whether it was a general or special law it is impossible to say. Indications would point to the latter, for we find an act of 1704 which said that the fees for naturalization acts and other

[1] *Charter to William Penn and Laws of the Province of Pennsylvania, 1682–1700* (Harrisburg, 1879), 105.

[2] *Ibid.*, 154.

[3] *Ibid.*, 106.

[4] *Statutes at Large of Pennsylvania*, II. 29–31.

[5] *Ibid.*, 492.

[6] *Ibid.*, 297; III. 424; IV. 57–58, 147, 219, 283, 327.

[7] *Ibid.*, 391.

[8] *Ibid.*, VI. 270, 399; VII. 47.

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private laws should be determined by the assembly which passed the bill.[1] Delaware, of course, was covered by the laws of Pennsylvania, and we have seen that the law of 1700 had particular reference to the foreigners of that district. In New Jersey, the lords proprietors in their Concessions and Agreements provided that the assembly should have power "by act to give all strangers, as to them shall seem meet, a naturalization, and all such freedoms and privileges within the said Province as to his Majesty's subjects do of right belong."[2] No doubt the assembly made use of the privilege thus given, but the laws are not at hand to demonstrate the fact.

The colonial politics of New York furnish the student much of interest, for the colony, like the state, had strong political factions. The legislation of the colony has in consequence much significance, and this is especially true of the laws of naturalization. In 1683 an act was passed providing that any foreigner professing Christianity could be naturalized upon taking an oath of allegiance. To obtain this privilege one had to be actually living in the province at that time, and the act was not to be construed to set at liberty any bondman or slave.[3] All foreigners that came to the colony after this act might become naturalized by an act of the assembly. The religious qualifications were strictly enforced and Catholics were put under the ban. This is well shown in a letter of Governor Fletcher written in 1696, in which he says that he has found two French Roman Catholics in the last company of immigrants and has returned them for fear they would correspond with their friends in Canada.[4] The letter also shows that there was considerable immigration into Pennsylvania to avoid the burdens imposed by the defense of the frontier. This is only one of many indications that there was a good deal of intercolonial immigration. The next important piece of legislation came in 1715, when it was enacted "That all persons of foreign birth, now deceased, inhabiting and being within this colony at any time before the first day of November, One thousand Six hundred and Eighty-three, and being seized of Lands, Tenements or heriditaments shall forever hereafter be deemed, taken and Esteemed to have been naturalized, and entitled to all the Rights, Privileges and advantages of any of the natural born Subjects of the Colony."[5] The preamble of the act stated that previous governors had given letters of denization, on the strength of which many

[1] Thomas Herty, *Digest of the Laws of Maryland*, 377.
[2] A. Leaming and J. Spicer, *Grants, Concessions, and Constitutions of New Jersey*, 17.
[3] *Colonial Laws of New York*, I. 123.
[4] *Colonial Documents of New York*, IV. 159.
[5] *Colonial Laws of New York*, I. 858.

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foreigners had purchased property. The question of inheritance had then arisen, and this law was for the purpose of confirming all titles. The naturalization of the dead is most curious, and New York alone can claim such legislation. Provision was also made that any living persons who had not taken advantage of the previous act might be naturalized by taking the oath of supremacy and subscribing the test and repeating the oath of abjuration, providing they took the step within the next nine months. The law of 1715 was passed only after a long strife between the governor and the assembly over the matter of salary. Governor Hunter wrote the board of trade that the assembly had postponed all business for an act of general naturalization, which was very popular in the colony. He finally agreed to the bill with the understanding that the assembly should settle a fixed income upon the governor.[1] Attorney-General Northey gave a long opinion on the law when it came before him, holding that the law of 1683 was sufficient for all purposes. "It seems," he said, "not reasonable to naturalize in the lump all Foreign protestants within that Colony, for that in naturalizations the particular circumstances of the persons naturalized should be considered."[2] The law seems to have stood despite the opinion of the attorney-general.

The general method of naturalization in New York was, however, by special act, and from this time until the Revolution hardly a year passed that a number of people were not made citizens. By 1730 the foreign Protestants had again risen in numbers, and a general law was passed to naturalize all such as had resided in the province one year. They were to take the oaths appointed by law, subscribe to the test and declaration, and take and repeat the abjuration oath in the presence of the governor and council of the province. Upon the payment of a fee of five shillings to the secretary, a certificate of naturalization was to be given.[3]

No general naturalization laws were enacted in New England. When rights were given to foreigners, they were provided for by special acts. Mention has already been made of the exclusiveness of that section. As a consequence of this spirit, little or nothing in the way of naturalization was attempted.

A summary of colonial legislation shows that the same methods were employed in America as in England: letters of denization were issued; general laws and private acts were passed. But the rights conferred by the colonies were much more limited than those

[1] *Colonial Documents of New York*, V. 403, 416.
[2] *Ibid.*, 497.
[3] *Acts and Resolves of the Province of New York*, II. 586.

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given by the mother-country. In America the laws were limited to the province in which they were passed, and gave no rights beyond its limits. Some English laws, such as the navigation acts, acted as restraints on naturalization. The use of the private act for naturalization was very common, especially in Pennsylvania and New York. General laws were in force in South Carolina, Virginia, and Pennsylvania. The law of Pennsylvania was repealed by the queen, and hence its extensive use of the private act. In the last colonies mentioned the executive officers were generally given the power to naturalize foreigners on their taking the necessary oaths and paying the necessary fees. The political rights conferred by these laws varied in different colonies, according as the laws for voting differed. By permitting aliens to obtain land the naturalization acts generally gave each man the power to get the necessary voting qualifications. However, we noted that in South Carolina, although an alien might vote if he had the required amount of land, yet he could not hold office. The greatest benefit given by naturalization legislation was the right to purchase and hold land, which might be transmitted to one's children. The possession of land meant the means of becoming socially important, for rank in a new country depends largely upon such possessions. Not only that, but land in the early days furnished almost the only means of gaining wealth. Although an alien might be under certain political disabilities, even after naturalization, he had the satisfaction of knowing that he was laying the foundation of power which he could pass on to his children, who might freely obtain the rights denied him.

The colonial naturalization laws must, therefore, be considered of great significance. They encouraged the industrious alien to come to America, and his coming meant the rapid development of the country. Without complaint he faced the savages of the frontier, cut the forests, cleared the land, and stood as the advance-guard of our civilization. For that work he is deserving of much credit, and it was only fair that the provinces should make this industrious person an integral part of their people.

A. H. Carpenter.

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FRENCH INFLUENCE ON THE ADOPTION OF THE FEDERAL CONSTITUTION

THE relations of France with the United States during the War for Independence, the peace negotiations of 1782–1783, and the later controversy over neutrality have been the subjects of extended discussion. On the other hand, little attention has been paid either to the policy of France concerning the formation and adoption of the Federal Constitution or to the influence she attempted to exercise. Some investigation of these subjects, however, appears to be needed, when one considers that they appeared among the specifications which the revolutionary government of France made public in its exposure of the alleged perfidious conduct of Vergennes and Montmorin toward the United States during the whole period from 1778 to 1789.

The address to the President of the United States, reported by Gaudet to the National Convention on December 21, 1792, declared that the royal government had merely made a pretense of helping to secure American independence, and that its ambassadors had instructions to hinder the development of American prosperity.[1] In the same spirit, the instructions of Genet, also prepared in December, 1792, required him to remind the Americans of their natural brotherhood with the people of France, and enjoined him to explain that the reason for the failure of the two nations to reap the fruits of their true friendship lay in the treachery of the lately destroyed cabinet of Versailles. The Executive Council were said to have just learned with great indignation, by inspection of instructions given to Genet's predecessors, that at the very time when the good people of America expressed their gratitude in the most feeling manner and gave every proof of their friendship, Vergennes and Montmorin thought it advantageous for France that the United States should not attain the political stability of which they were capable, because they would soon acquire a strength which they would probably be eager to abuse.[2] Copies of official documents to prove that it had been the wish of France, expressed while the question was pending, that the Constitution might not be adopted were to be communicated

[1] *L'Ancien Moniteur*, XIV. 810.

[2] *Annual Report of the American Historical Association for 1896*, I. 959. For the basis of this charge see *infra*, Montmorin's instructions to Moustier, page 307.

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by Genet to President Washington when presenting his official letter.[1] Further, Genet gave to the American public an incidental revelation of malign royal French influence against the movement for the establishment of an efficient federal government, when he published his instructions in Philadelphia, in December, 1793.[2]

A similar interpretation of French policy upon this subject was given to Lansdowne by Talleyrand, in a letter written from Philadelphia on February 1, 1795. Talleyrand was developing at length his views upon the relations of the United States with European powers, and he found it necessary to account for the distrust of France shown by public men in America. His explanation was that it originated in the discovery, by the American leaders, that M. Ternant,[3] the French ambassador, had instructions to oppose the movement for the Federal Constitution. They could but resent the perfidy of an ally who secretly wished to keep the states disunited, to condemn them to a long and painful infancy, lacking the strength to protect themselves. The influence which the French diplomatic agent, following his instructions, was able to exert against the Constitution in the Federal Convention and in the conventions of the several states was, to be sure, insufficient for the end desired. But his efforts aided in sowing the seed of Antifederalism, and since then American statesmen had feared the snares of fraternal association with the French.[4]

Suspicion about the truthfulness of the foregoing representations is engendered in the mind of the modern inquirer as soon as one searches for contemporary notice of opposition by French agents to the formation or ratification of the Federal Constitution. No evidence has been found, either in the public communications or in the

[1] Marshall, *Life of Washington*, II. note x. Genet also communicated copies of documents showing that France and Spain had tried to exclude the United States from the Mississippi, and that they were jealous of this growing power.

[2] *Genet and the Federal Government*, Philadelphia, 1793. His main purpose in this publication was to justify his course during the controversy with the federal administration. He sought to show that he had acted in accordance with his instructions. On the publication of Genet's instructions, see *Writings of Washington* (Ford), XII. 332 *et seq.*; *Life and Correspondence of Rufus King*, I. 447; *American State Papers, Foreign Relations*, I. 572.

[3] The spelling of this minister's name in the documents signed by him is Ternant — although Americans commonly wrote it Ternan, and the form ascribed to Talleyrand is Ternau.

[4] The letter which included these statements was first published in the *Revue d'Histoire Diplomatique* in 1889, the significant sentences upon the immediate question now under consideration being printed on page 69. Talleyrand's extended comments upon American industry, commerce, and foreign relations are of great interest. Here are foreshadowed the arguments of his celebrated paper on commercial relations of the United States with England, read before the Academy in April, 1797.

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published private correspondence of opponents of the Constitution, to show that opposition was encouraged and assisted by France. Nor is there any mention by its advocates of resentment on account of influence exerted by France to defeat their efforts for strengthening the Union. If any such opposition was made at all, it was managed by men so shrewd and cautious that their secret was not betrayed to the leaders who would have been glad to unmask foreign intermeddlers.[1] Furthermore, abundant contemporary commentaries upon all phases of the controversy over the Constitution are found among the despatches from America preserved in the Archives des Affaires Étrangères,[2] but they contain no reports of efforts to assist the Antifederalists. Finally, the only explicit and circumstantial charge of this nature is made in a source of dubious value, *i. e.* in a letter from Talleyrand, written in 1795. Whereas the National Convention of revolutionary France had been quite content with the public revelation that the government of the late Louis XVI. had not been a disinterested and helpful ally of the United States,[3] Talleyrand ventured in private correspondence to make specific assertions of offensive interference in a question of American domestic policy, and gave what seemed to be corroborative details to substantiate the charge. But Talleyrand's situation as a proscribed émigré led him to overemphasize American distrust of France, and to gratify his friend Lansdowne by reporting news that the latter would be pleased to read. He might easily have confused the earlier difficulties of the peace negotiations, and the disputes over the navigation of the Mississippi, with the ill-feeling caused by more recent events and by the revelations made through Genet in 1793. He was certainly in error in naming M. Ternant as the agent of this reprobated French policy, for that gentleman was made minister to the United States only in March, 1791,[4] and could not possibly have acted in that capacity to oppose the Federal Constitution in the Federal Convention (which Talleyrand assigns to

[1] On the contrary, Washington continued to express his cordial sentiments toward France, as in the following assurance to Moustier, on March 26, 1788: "... as no subject of uneasiness has turned up with respect to France, any disgust or enmity to the latter would involve a mystery beyond my comprehension. ... But no prejudice has been revived, no jealousy excited (to my knowledge) which could have wrought a revolution unfriendly to your nation. If one or a few persons in New York have given a different specimen of thinking and acting, I rely too much upon your candor to apprehend that you will impute it to the American people at large." *Writings of Washington* (Ford), XI. 236.

[2] Archives des Affaires Étrangères, États-Unis, Mémoires, 1783 à 1789, Tomes XV., XVII.

[3] The National Convention apparently expected by this display of frankness to remove any lingering vestiges of American sympathy for monarchical France.

[4] *Moniteur*, March 7, 1791.

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1789) or in the conventions of the several states. It is apparently a safe conclusion, therefore, in the light of these various considerations, that Talleyrand misrepresented the facts of Franco-American relations, and that no active steps were taken by French agents in the United States to prevent the adoption of the Federal Constitution.

Turning now to a somewhat different phase of the problem under discussion, what do the diplomatic archives reveal of the wishes and policy of France, as distinguished from her actual influence?[1] The interruption of business caused by the death of Vergennes, and the absorption of attention by more important matters of diplomacy then pending, led to almost complete neglect of American relations during most of 1787.[2] Montmorin seems to have first considered American affairs in August, when his leading thought was that the rapid tendency within the United States toward complete independence of the states from each other would bring no unfortunate results for France.[3] It was not until October that he attached the slightest significance to the movement for a revision of the Articles of Confederation. He explained then to Moustier that the question of a new constitution was of very slight importance in the policy of the King, but that His Majesty thought that it was to the advantage of France for the United States to continue in their present condition, because if they should attain the political stability of which they were capable, they would soon acquire a strength and a degree of power which they would probably be eager to abuse. Despite this last reflection, the minister was to adhere carefully to the position of a completely passive spectator, not showing that he opposed or favored the new project.[4]

[1] The publication of the correspondence of Montmorin and Moustier, communicated by Professor Henry E. Bourne, in the REVIEW for July and October, 1903, renders it unnecessary to quote at length the evidence for the conclusions now to be stated. Perhaps it should be said in passing that the documentary material for this study was obtained by the writer as a result of personal research in the French Archives in 1902.

[2] Vergennes died in February, 1787. The chief interest of French diplomacy in 1787–1788 centered in the state of Holland.

[3] Montmorin's instructions to Otto, August 31, 1787, partly printed in translation in Bancroft, *Constitution*, II. 438.

[4] Archives des Affaires Étrangères, États-Unis, 1777 à 1787, Supplément, Tome I., folios 421–426. This is seemingly a first draft of the document printed in the REVIEW for July, 1903, 710–714. Meanwhile Otto had expressed his opinion that the new scheme of government should excite the enthusiasm of all Americans who desired the prosperity of their country, despatch numbered 101, dated New York, October 20, 1787. A few weeks later he reported that certain politicians were using the approval of the Constitution by representatives of foreign powers as an objection to its adoption. Archives des Affaires Étrangères, États-Unis, 1777 à 1787, Correspondance, Tome XXXII., folio 401.

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Moustier's first impression of the state of affairs in America was obtained in February, 1788, after five states had accepted the Constitution. Under these circumstances, he expressed to Montmorin the opinion that the time had passed for European powers either to favor or to oppose the adoption of the new Constitution.[1] Four days later, upon the basis of a little wider acquaintance and further reflection, he stated his views more comprehensively, but to the same general effect. He had sought to conform to his instructions, but in view of the fact that the Constitution was steadily growing in favor and perhaps would be adopted by all the states, existing circumstances seemed to require that he should avoid strengthening a widely prevalent opinion that the King had lost all interest in the American republic and that its success would even give umbrage to him. If the new Constitution should be adopted, and Congress should thereby acquire sufficient authority to give efficacy to its political alliances, it would be most unfortunate to allow the impression to prevail that the King did not really concern himself with the prosperity of the United States.[2]

It was after enlightenment from this correspondence that Montmorin wrote to Moustier, under date of June 23, 1788, his first and only despatch referring to the adoption of the Constitution as a pending political issue. In it he explained that he did not know whether France must deal with one government or with thirteen separate states. The reserve prescribed as to the Federal Constitution was ascribed to the resolution of the King not to mix in the internal affairs of the United States, and such reserve should be regarded as an evidence of His Majesty's respect for their independence, rather than as a proof of indifference. Yet he virtually repeated his earlier instruction by requiring the minister to abstain from expressing any judgment upon the new Constitution.[3] The essential harmony of Moustier's views with the tendency of these instructions was shown by his record of his belief on June 25 that Virginia and New York would fail to ratify the Constitution, and that the defection of these two states would be fatal to the stability of the new government, even although New Hampshire had just supplied the ninth ratification. The tone of his reflections revealed no sense of disappointment for France in a continuance of American divisions and weakness.[4] So, too, the assured triumph of the

[1] *Ibid.*, Tome XXXIII. folio 18; AMERICAN HISTORICAL REVIEW, VIII. 716.

[2] Correspondance, XXXIII., folio 31; AM. HIST. REV., VIII. 723. Moustier found, too, that partizans of the Constitution expected to see him take an active part in favor of its adoption.

[3] Correspondance, XXXIII., folios 208–210; AM. HIST. REV., VIII. 727–729.

[4] Correspondance, XXXIII., folios 214 ff.; AM. HIST. REV., VIII. 730–733.

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Federalists gave him no cause for rejoicing, but merely led him to make pretense to American leaders that the adoption of the Constitution had always been desired by his royal master.[1]

Scanty as the direct evidence thus reviewed unfortunately is, its purport is clear. While the question of the adoption of the Federal Constitution occupied no great share of attention in the administration of French foreign affairs, and while no actual interference to arrest the movement for a strong American central government was attempted, France would have preferred to see the United States remain under the weak and inefficient Confederation, and her ministers in America were to regulate their conduct circumspectly with due regard to this fundamental consideration of French policy.

CLYDE AUGUSTUS DUNIWAY.

[1] Correspondance, XXXIII., folios 332 ff.; AM. HIST. REV., IX. 90.

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DOCUMENTS

Papers of William Paterson on the Federal Convention, 1787

WILLIAM PATERSON is generally remembered as one of the leaders of the Small State party in the Federal Convention, and chiefly as the delegate who introduced and defended the New Jersey plan. In addition to his work in the Convention, he played an active part in national and state affairs.

He was born in Ireland in 1745. His parents came to Philadelphia two years later, and in 1750 settled in Princeton. He graduated from Princeton College in the class of 1763, and from 1787 to 1802 was a member of the board of trustees. It is an interesting fact that in 1765, while studying law under Richard Stockton, a signer of the Declaration of Independence, Paterson was one of the founders of a patriotic society called the Well-Meaning Club. This was afterward reorganized as the Cliosophic Society. Enrolled among its members were Oliver Ellsworth and Luther Martin, two men who were later, like Paterson, strong advocates of the Small State policy at Philadelphia.[1] He was a member of the first Provincial Congress of New Jersey, 1775, a delegate to the Continental Congress, attorney-general of his state, and a member of the Annapolis Convention.

After his work in favor of the New Jersey plan was finished, Paterson took little part in the debates of the Federal Convention. On July 23 he seconded a motion of Ellsworth that the Constitution be referred to the legislatures of the states for ratification. There is no evidence of his participation in the Convention from that date to the time of signing the completed instrument.

In the organization of the new government, Paterson was chosen as a senator from New Jersey, but he soon resigned to become governor and chancellor of his state. During the three years of his governorship he began the important work of collecting and putting into proper form all those British statutes held to be in force before the Revolution that by the constitution of New Jersey were to have force and validity, together with all the public acts passed by the New Jersey legislature. This task, finished in 1800,

[1] W. Jay Mills, *Glimpses of Colonial Society and the Life at Princeton College 1766–1773* (Philadelphia, 1903), 17.

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is said to have been done with marked skill and judgment.[1] On March 4, 1793, he was commissioned by Washington as associate justice of the Supreme Court of the United States, a position which he held till his death in 1806.

The following documents, unless otherwise noted, are at present in the Library of Congress, Division of Manuscripts. They have been recently secured from Mr. Noah F. Morrison, of Elizabeth, New Jersey. Those that are not in the Congressional Library are here printed from copies made by Professor J. F. Jameson of originals furnished him by Miss Emily K. Paterson, of Perth Amboy, New Jersey. Copies of everything that is here printed are to be found in the New York Public Library, Lenox branch, among the Bancroft manuscripts. On the Bancroft copies are headings prepared for Mr. Bancroft's use. These headings suggest what, in the writer's opinion, the papers refer to, and these indications have been of considerable service in the task of examining and arranging the notes for publication. In several instances the statements in the headings have not been followed in the arrangement of the papers as here printed. Such of the following papers as are now in the possession of the Library of Congress are called the Paterson Papers, and that designation is here retained as a heading to all of these documents. It should be noted, however, that two of these documents are in the handwriting of Brearley.

David Brearley (1745–1790), one of Paterson's colleagues in the Federal Convention, had been a lieutenant-colonel of the New Jersey line under General Sullivan. From 1779 till 1789 he was chief-justice of New Jersey, and from 1789 till his death judge of the United States District Court for that state. He signed the Constitution and was a member of the state convention that ratified it.[2]

Some of these notes will probably prove of little significance to the reader. In spite of this it has seemed well to publish them, because anything referring to the Federal Convention, and especially to the great central controversy, is of interest to students. Even though material of this kind may at first seem interesting rather than significant, it often happens that the special investigator will find in it meaning at first not appearing. It must be said, however, that many of these notes will probably prove valuable to the student of the Convention's work. They help to bring out with distinctness the character of the controversy between the advocates of the

[1] Hampton L. Carson, *The Supreme Court of the U. S.* (Philadelphia, 1892), 184; L. Q. C. Elmer, *The Constitution and Government of the Province and State of New Jersey* (Newark, 1872), 88–94.

[2] For a biography of Brearley see Elmer, 274.

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Virginia and the New Jersey plans, and they certainly throw light on the character of Paterson's arguments.

The notes were not made in accordance with any definite system as were those of Madison. They are not so coherent and well-arranged as even those of Yates, King, or Pierce. In a few cases Paterson, following the speakers, made brief abstracts of their speeches in order to emphasize the thoughts that he considered most important. Other notes were prepared merely as memoranda for a reply to an opponent. In some cases there appear in the same memorandum to be references to speeches made on different days; for example, the papers that seem to be notes for Paterson's speech of June 9 likewise include, apparently, mention of what Butler said on June 11. It is not impossible, therefore, that Paterson sketched out these thoughts for his speech, and, after he had spoken, inserted any remarks that had been made in opposition in order that he might make cogent reply. If this is not the case, and the explanation does not seem very satisfactory, then he simply jotted down thoughts for a speech, and for the purpose of argument inserted the statements of others as he remembered them. He worked over his argument at various times, and thrust into his outline the words of others on which he intended to comment.

1. Notes of the Virginia Plan, May 29.[1]

Gov^{r} Randolph —

Propositions founded upon republican Principles.

1. The Articles of the Conf^{dn} should be so enlarged and corrected as to answer the Purposes of the Inst^{n}.

2. That the Rights of Suffrage shall be ascertained by the Quantum of Property or Number of Souls — This the Basis upon which the larger States can assent to any Reform.

Obj^{n} — Sovereignty is an integral Thing — We ought to be one Nation —[2]

3. That the national Leg^{r} should consist of two Branches —

4. That the Members of the first Branch should be elected by the People, etc. This the democratick Branch — Perhaps, if inconvenient, may be elected by the several Leg^{rs} —

[1] Cf. *Documentary History of the Constitution*, III. 17–20. The original of this paper is in the possession of Miss Emily K. Paterson, of Perth Amboy, New Jersey. It is evidently a condensation, perhaps hastily made, of Randolph's plan presented to the convention May 29.

[2] The purport of this interpolated comment is not plain; but it would seem to be the center of what Paterson afterward contended for, *viz.* the convention could not divide up the sovereignty of the states; if there was to be one nation, the states must be thrown together.

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5. Members of the 2d Branch to be elected out of the first — to continue for a certain Length of Time, etc. To be elected by Electors appointed for that Purpose —

6. The Powers to be vested in the national Legr — A negative upon particular acts, etc. contravening the Articles of the Union — Force —

7. A national Executive to be elected by the national Legr

Checks upon the Legv and Ex. Powers —

1. A Council of Revision to be selected out of the ex. and judy Departments, etc.[1]

2. A natl Judiciary to be elected by the natl Legr — To consist of an inferior and superior Tribunal — To determine Piracies, Captures, Disputes between Foreigners and Citizens, and the Citizen of one State and that of another, Revenue-matters, national Officers —

1. Provision for future States —

2. A Guary by the United States to each State of its Territory, etc.

3. Continuation of Congress till a given Day.

4. Provision, that the Articles of national Union should be amended —

5. That the leg. ex. and judy Officers should be bound by Oath to observe the Union.

6. That Members be elected by the People of the several States to ratify the Articles of national Union —

II. Report of the Committee of the Whole, June 13.[2]

Report of the Committee of the whole House

1. Resolved, that [*it is*] the [*opinion of this Committee*
of the U. S.
that a National] Government ^ ought to [*be established*]
consist [*ing*] of a Supreme Legislative, Judiciary, and Executive.

Agreed — 7 A. 3 No 1 divided

2. Resolved, that the [*National*] Legislature ought to consist of two branches.

9 A 1 n - 1 Divided.

3. Resolved, that the Members of the first Branch of the
of the United States
[(*National*)] Legislature ^ ought to be elected by the People

[1] Beginning with this note the remaining eight resolutions of the fifteen are summed up, though not numbered as in the plan.

[2] This paper is in the handwriting of David Brearley. It is indorsed "Report of Committee 12 June 1787" in Brearley's handwriting. The committee, as a matter of fact, did not report until June 13. The interlineations and erasures as here represented admirably illustrate the subjects under discussion and the changes made in the report. Erasures are bracketed and in italics. Evidently Brearley, using the report of the Committee of the Whole, or more properly his copy of the report, made changes in it in the course of the succeeding debates.

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two to be of the Age

5 A. 5 no. 1 divided lost of the several States, for the term of *three* years; ^ [*to receive* of 25 years at least:

fixed Stipends, by which they may be compensated for the devotion of their time to Public Service — to be paid out of the Public and incapable of holding, *National Treasury;*] to be ineligible to, ^ any Office [*established by a particular State, or*] under the authority of the United States (except those peculiarly belonging to the functions of the first Branch of the first Branch) during the term of service, ^ [*and under the National Government for the space of one year after its expiration.*]

4. Resolved, that the Members of the second Branch of of the U. S. the [*National*] Legislature ^ ought to be chosen by the individual Legislatures: to be of the Age of 30 years, at least; of six years, one third of whom to go to hold their Offices for the Term ^ [*sufficient to ensure their* out of office biennially; compensation for *independancy namely of seven years.*] — to receive ^ [*fixed Stipends, by which they may be compensated for*] the devotion of their time to public service, — to be paid out of the National Treasury.

To be ineligible to any office established by a particular State, or under the authority of the United States (except those peculiarly belonging to the functions of the second Branch) during the term of service, and under the Nat! Govern! for the space of one year after its expiration.

agreed to without amendment. 5. Resolved, that each Branch ought to possess the right of originating Acts. possess

6. Resolved, that the National Leg! ought to [*be empowered to enjoy*] the Legislative Rights vested in Congress by the Confederation; and moreover to Legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual Legislation, — to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the Articles of Union, or any Treaties subsisting under the Authority of the Union.

carried 6. ay. 4 no 1 divided 7. Resolved, that the Right of suffrage in the first Branch of the National Legislature ought *not* to be according to the Rule established in the Articles of Confederation, but according to some equitable Ratio of representation, namely, in proportion to the whole number of White and other free Citizens and Inhabitants, of every Age, Sex and Condition, including those bound to servitude for a Term of Years, and

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three fifths of all other persons, not comprehended in the foregoing discription, except Indians not paying Taxes in each State.

8. Resolved, that the right of suffrage in the second Branch of the Nation[l] Legislature ought to be according to the rule established for the first.

9. Resolved, that a National Executive be instituted, to consist of a *single person* to be chosen by the National Legislature for the term of seven years, with Power to carry into execution the National Laws — to appoint to Offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and Conviction of Mal-Practice, or neglect of duty. To receive a fixed stipend by which he may be compensated for the Devotion of his time to public service; to be paid out of the National Treasury.

10. Resolved, that the National Executive shall have a Legislative right to negative any [*National*] Act, which shall not be afterwards passed unless by two third parts of each Branch of the National Legislature.

11. Resolved, that a National Judiciary be established, to consist of one Supreme Tribunal, — the Judges of which to be appointed by the second Branch of the National Legislature; to hold their offices during good behaviour and to receive punctually at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution.

12 Resolved, that the Nat[l] Legislat[e] be empowered to appoint inferior Tribunals.

13 Resolved, that the Jurisdiction of the National Judiciary shall extend to cases which respect the collection of the National Revenue; — Impeachments of any National Officers, and questions which involve the Na[l] peace and harmony.

14. Resolved, that Provision ought to be made for the admission of States, lawfully arising within the limits of the United States; whether from a voluntary Junction of Government and Territory, or otherwise, with the consent of a Number of Voices in the National Legislature less than the whole.

15. Resolved, that provision ought to be made for the continuance of Congress and their Authorities and privileges, until a given day after the reform of the Articles of Union shall be adopted; and for the completion of all their Engagements.

16. Resolved, that a Republican Constitution, and its

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existing laws, ought to be garraunteed to each State, by the United States

17. Resolved, that provision ought to be made for the amendment of the Articles of Union, whensoever it shall seem necessary.

18. Resolved, that the Legislative, Executive, and Judiciary Powers within the several States, ought to be bound by Oath, to support the Articles of Union.

19. Resolved, that the amendments which shall be offered to the Confederation, by the Convention, ought at a proper time or times, after the Approbation of Congress, to be submitted to an Assembly or Assemblies of Representitives, recommended by the several Legislatures, to be expressly chosen by the People to Consider and decide thereon. [*Indorsement:* Report of Committee 12 June 1787]

III. Notes apparently used by Paterson in Preparing the New Jersey Plan, June 13–15.

A.

1. Resolved, That a union of the States merely federal ought to be the sole Object of the Exercise of the Powers vested in this Convention.[1]

2. Resolved, That the Articles of the Confederation ought to be so revised, corrected, and enlarged as to render the federal Constitution adequate to the Exigencies of Government, and the Preservation of the Union —[2]

3. Resolved, That the federal Government of the United States ought to consist of a Supreme Legislative, Executive, and Judiciary —

[1] This resolution is partly stricken out in the original. Jameson says these five resolutions may not improbably be attributed to John Lansing, Jr., of New York. He also says that it will be plainly seen that it represents an early stage of the Paterson plan. The fifth resolution is especially noteworthy. "In short," says Jameson, "we have in this document a *Vorschrift* for the New Jersey plan, drawn up by a man or men who were willing to go but little beyond" the schemes earlier proposed. *Ann. Rep. Am. Hist. Assoc., 1902*, I. 142.

[2] This resolution is thus given in Madison's notes, *Documentary History*, III. 125. It is the first resolution of Paterson's plan as there given. Jameson argues (p. 137) that this could not have been the first of Paterson's resolutions as finally presented. His evidence is probably conclusive; and yet it should be noticed that the resolution offered by Dickinson, "That the Articles of Confederation ought to be revised and amended, so as to render the Government of the United States adequate to the exigencies, the preservation, and the prosperity of the Union," would not be acceptable to either party. Paterson's supporters would wish to retain the words "federal Constitution." Is not Dickinson's motion characteristic?

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4. Resolved, That the Powers of Legislation ought to be vested in Congress.[1]

5. Resolved, That in Addition to the Powers vested in the United States in Congress by the present existing Articles of Confederation, they be authorized to pass Acts for levying a Duty or Duties on all Goods and Merchandize of foreign Growth or Manufacture imported into any Part of the United States not exceeding per Cent. ad Valorem to be applied to such federal Purposes as they shall deem proper and expedient, and to make Rules and Regulations for the Collection thereof; and the same from Time to Time to alter and amend in such Manner as they shall think proper. Provided, That all Punishments, Fines, Forfeitures, and Penalties to be incurred for contravening such Rules and Regulations shall be adjudged and decided upon by the Judiciaries of the State in which any Offence contrary to the true Intent and Meaning of such Rules and Regulations shall be committed or perpetrated; subject nevertheless to an Appeal for the Correction of any Errors in rendering Judgment to the Judiciary of the United States.

Imposts — Excise — Stamps — Post-Office — Poll-Tax —

That the United States in Congress be also authorized to pass Acts for the Regulation of Trade as well with foreign Nations as with each other, and for laying such Prohibitions, and such Imposts and Duties upon Imports as may be necessary for the Purpose; Provided, That the Legislatures of the several States shall not be restrained from laying Embargoes in Times of Scarcity; and provided further that such Imposts and Duties so far forth as the same shall exceed . . . per Centum ad Valorem on the Imports shall accrue to the Use of the State in which the same may be collected[2]

B.[3]

1. Resolved, That the articles of the confederation ought to be so revised, corrected, and enlarged as to render the federal constitution adequate to the exigencies of government, and the preservation of the union —

2. Resolved, That the alterations, additions, and provisions made in and to the articles of the confederation shall be reported to the united states in congress and to the individual states composing the union, agreeably to the 13th article of the confederation —

[1] See Jameson, *loc. cit.*, 140–141.

[2] This resolution is somewhat similar to the second resolution as given in Madison's notes, *Documentary History*, III. 125, and in the Brearley copy, *ibid.*, I. 322. Either no more was written of this paper or Paterson copied no more, Jameson, *loc. cit.*, 142.

[3] This goes farther than A and marks a later stage of the plan.

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3. Resolved, That the federal government of the united states ought to consist of a supreme legislative, executive, and judiciary —

4. Resolved, That the powers of legislation be vested in Congress —

See M.r Lansing— 5.
See Gov. Randolph's. 6.
7.th Prop. 7.
Same—9 th.

Resolved, That every State in the Union as a State possesses an equal Right to, and Share of, Sovereignty, Freedom, and Independance —

Resolved, therefore, that the Representation in the supreme Legislature ought to be by States, otherwise some of the States in the Union will possess a greater Share of Sovereignty, Freedom, and Independance than others —

Whereas it is necessary in Order to form the People of the U. S. of America into a Nation, that the States should be consolidated, by which Means all the Citizens thereof will become equally intitled to and will equally participate in the same Privileges and Rights, and in all waste, uncultivated, and back Territory and Lands; it is therefore resolved, that all the Lands contained within the Limits of each State individually, and of the U. S. generally be considered as constituting one Body or Mass, and be divided into thirteen or more integral Parts.[1]

Resolved, That such Divisions or integral Parts shall be styled Districts.

C.

Reproduced in facsimile on page 319. A copy by Paterson of the first four resolutions, but not numbered, and without the erasures and interlineations found in B. Aside from minor variations, C differs from B only in the second resolution, where "shall" is changed to "ought to."[2]

[1] To account for such a proposition as this in connection with the New Jersey plan is a matter of some difficulty. In the original paper this resolution is so written as undoubtedly to be joined with the preceding. Otherwise it might seem to be a mere sporadic note. Reference is evidently made to this in other notes and memoranda below. See also Brearley's speech of June 9, where the erasure of state boundaries is advocated, and Paterson's reference to the same idea, *Doc. Hist.*, III. 96, 97. See also especially Madison's speech of June 19. It is apparent that Paterson and Brearley proposed this as the only way of doing justice to the large states and securing the safety of the small states. *Ibid.*, III. 161.

[2] See Jameson, *loc. cit.*, 142.

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Resolved, That the articles of the confederation ought to be so revised, corrected, enlarged as to render the federal constitution adequate to the exigencies of government, and the preservation of the union—

Resolved, That the alterations, additions, and provisions made in and to the articles of the confederation ought to be reported to the united States in congress and to the individual States composing the union, agreeably to the thirteenth article of the confederation—

Resolved, That the federal government of the united States ought to consist of a supreme legislative, executive, and judiciary.

Resolved, That the Powers of Legislation be vested in Congress—

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IV. Notes for Speeches.[1]

A. *Notes for Speech of June 9.*[2]

1. The Plan.

2. The words national and federal.

3. Collection of Sentiment — Object, to take under Consideration the State of the American Union —

Consider the Nature and Construction of this Assembly. Formed under the act of Congress passed in Conformity with one of the Articles of the Confed.ⁿ

See the Com.ⁿ[3] from Mass.ᵗˢ

Assumption of Power — The Com.ⁿ measures our Power — to revise the Confed.ⁿ to report to Congress and the several Legˢ — must not go beyond our Powers —

Self-constituted and self-ordained Body.

The Com.ˢ give the political Complexion of the several States — not ripe — we must follow the People; the People will not follow us — The Plan must be accommodated to the public Mind — consult the Genius, the Temper, the Habits, the Prejudices of the People.

A little practicable Virtue to be preferred to Theory.

Not to sport Opinions of my own — not to say wᵗ is the best Govᵗ or what ought to be done — but what can be done — wᵗ can we do consistently with our Powers; wᵗ can we do that will meet with the Approbation of the People — their Will must guide —

Insurrections — So there are in every Govᵗ — even in England — it may shew, that our particular Systems are wrong — that our Instⁿˢ are too pure — not sufficiently removed from a State of Nature to answer the Purposes of a State of Society — it will not militate agᵗ the democratick Principle when properly regulated and modified —

The democratick Spirit beats high —

Not half wrong enough to have a good Govᵗ —

[1] The notes numbered A–E are in the Bancroft copies marked "Notes for speech of 9 June," but it is by no means clear that all these are notes for the speech of that day. Apparently Paterson worked over his argument several times, and the burden of his thought was somewhat consistently the same: the want of power in the Convention; the unreadiness of the people to support a plan for a consolidated government; the maintenance of the equality of the states. In the notes of Madison, Pierce, King, and Yates we find no indication that Gouverneur Morris made a speech on the ninth. The words in A given in connection with the name of Morris appear again in B.

[2] This document is in the possession of Miss Emily K. Paterson.

[3] *Commission.*

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2. The Plan proposed — The 1st. Propn withdrawn [1] — it was incompatible with the 2d. The Principles were gradually unfolded —

Wt Qy of Land—

The 1 Propn accords with the Spirit of the Constn

Each State is sovereign, free, and independt etc. Sovereignty includes Equality —

If then the States in Union are as States still to continue in Union, they must be considered as Equals —

13 sovereign and independent States can never constitute one Nation, and at the same Time be States — they may by Treaty make one confederated Body —

Mr Randolph — We ought to be one Nation — etc. The States as States must be cut up, and destroyed — This is the way to form us into a Nation [2] — It has Equality — it will not break in upon the Rights of any Citizen — it will destroy State Politicks and Attachmts Will it be acceded to, etc.

G. Morris — Every Citizen should enjoy a rateable Proportion of Sovereignty —

Fœtus of a Monarch —[3]

The Mind of Man is fond of Power —

An infant Hercules in his Cradle —

Enlarge his Prospects, you increase his Desires — Proportion of Votes — State-Politicks, State-Attachments, State-Influence, State-Passions — Districts —

Great Britain and America — Suppose Representn from the latter before the Revolutn according to the Quantum of Property or Number of Souls — Wt the Consequence —

3 Article [4] — Com. Defence, Security of Liberty, mutual and general Welfare.

A national Govt to operate individually upon the People in the first Instance, and not upon the States — and therefore a Representation from the People at large and not from the States —

Will the Operation of the natl Govt depend upon the Mode of Representn — No — it depends upon the Quantum of Power lodged in the leg. ex. and judy Departments — it will operate individually in the one Case as well as in the other —

Why not operate upon the States — if they are coerced, they will in Turn coerce each individual —

[1] Evidently referring to Randolph's first proposition as contradicting the second. The first resolution of Randolph is distinctly like the first of Paterson's as the Paterson plan appears in Madison's notes, *Doc. Hist.*, III. 125. Paterson was here contending that Randolph's original first proposition was constitutionally sound, *i. e.* in conformity with the Articles.

[2] Apparently a reference to the idea later embodied in the resolution in III. B, above, page 318. See also Paterson's speech of June 9.

[3] Randolph used this expression June 2. See Pierce's notes, AM. HIST. REV., III. 322.

[4] Referring to the third article of the Articles of Confederation.

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Let the People elect the State-Legr — The State-Legr elect the federal Legr — assign to the State Legr its Duty — the same to the federal — they will be Checks upon each other, and the best Checks that can be formed — Cong. the Sun of our political System —

Why a Representation from the People at large — to equalize Representn Majr Butler — Representn — Property — People —

Mr Wilson — Majority of the States sufficient. This in Opposition to Mr King —

2 Views. 1. Under the Confedn — 13th Article — Rhode-Island. 2. As forming an original Combinn or Confederacy — can bind the contracting Parties only —

The large States can agree upon a Reform only upon the Principle of an equal Representn [1]

11 Propn [2]

If the lesser States form a Junction of Govt and Territory, the Gy [3] ceases to operate as to them — This will prevent a Consolidn of Govt and Territory —

The People will likewise prevent any new State from being taken from the old — Vermont — Kentucky — several in Embryo — Republicks — Monarchies — large Frontiers.

B. *Notes for Speech of June 9.*

1. The Confederation — its leading Principle. unanimously assented to —

2. The Nature and Construction of this Assembly. Formed under the Confedn Resn of Congress — The Comn measures our Power — it gives the political Complexion of each State — to revise the Confedn

Must not go beyond our Powers — People not ripe —

A little practicable Virtue to be preferred to Theory.

What expected — Regulation of Commerce, Colln of the Revenue, Negative, etc this will draw after it such a Weight of Influence and Power as will answer the Purpose — they will call forth the dormant Powers —

3. The Plan proposed. The 1 Propn withdrawn — it was incompatible with the 2d [4] Much Dispute about Distn between federal and National Governments. The Principle was gradually unfolded —

[1] So the original plainly says. Possibly Paterson meant to write unequal; or by "equal" he meant just or proportional.

[2] Referring to the eleventh proposition of the Virginia plan: "Resd, that a Republican Government and the territory of each State, except in the instance of a voluntary junction of Government and territory, ought to be guaranteed by the United States to each State."

[3] Guaranty.

[4] See above, page 321, note 1.

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W[t] Q[y] of Land, etc they approach each other, etc.

The 1 Prop[n] accords with the Spirit of the Confed[n] Each State is sovereign, free, and independent etc. The Idea of a Supreme, and the Maxim Imperium in Imperio —

If then the States in Union are as States still to continue in Union, they must be considered as Equals, etc.

13 sovereign and independant states can never constitute one Nation; they may by Treaty make one confederated Body —

M[r] Randolph — we ought to be one Nation — 2 Article [1] — 5[th] Article [1] —

G. Morris — Every Individual should enjoy a rateable Proportion of Sovereignty —

Districts —

3 Article [1] — Common Defence, Security of Liberty, mutual and general Welfare — Proportion of Votes.

11 Prop[n]

If the lesser States form a Junction of Gov[t] and Territory, the G[y] ceases to operate as to them — This will prevent a Consol[n] of Gov[t] and Territory —

The Prop[n] will likewise prevent any new States from being taken from the old — Vermont, Kentucky — Several in embryo — Republics — Monarchies — large Frontiers —

The large States can agree to a Reform only upon the Principle of an Equality of Represent[n]

In what we are all agreed —

C. *Notes for speech of June 9.*

Mass.

"for the sole and express Purpose of revising the Articles of Conf[dn] and reporting to Congress and the several Legs such Alterations and Provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Const[n] adequate to the Exigencies of Government and the Preserv[n] of the Union."

Connect[t] as above —

Jersey, etc

Georgia,

States.[2]	*Quota of Tax.*	*Delegates.*
Virginia	512,974	16.
Massachusetts	448,854	14.
Pennsylvania	410,378	12. ¾. 42¾
Maryland	283,034	8. ¾.

[1] Evidently a reference to the second, fifth, and third articles of the Articles of Confederation.

[2] This table is printed in *Doc. Hist.*, I. 331, except that the column giving quotas is not footed here. It is there dated "Sep[r] 27[th] 1785," and indorsed "hon. D. Brearly Esq."

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States.	*Quota of Tax.*	*Delegates.*
Connecticut	264,182	8-
New York	256,486	8-
North Carolina	218,012	6¾.
South Carolina	192,366	6-
New Jersey	166,716	5-
New Hampshire	105,416	3¼.
Rhode Island	64,636	2-
Delaware	44,886	1¼.
Georgia	32,060	1.
		90-

D. *A Fragment, possibly connected with Paterson's Speech of June 9.*

Ambition goads him on. The Impulse is progressive — enlarge his Prospects, and you enlarge his Desires. As to orders — as to Societies. Mithradates — Com. Defence — Liberty.

Mr Madison — Districts.

Mr King.

Guarranty.

Nature of Govts

So corrected and enlarged.

Regulation of Commerce,

the Collection of Revenue.

Negative in particular Cases.

To promote the general Welfare, to protect Liberty and Property.

Cr. Lands.

E. *Notes for Speech of June 9.*

1 — Great Britain and America — Represent[n] from the latter before the Revolution according to the Number of Souls — Wt the Consequence.[1]

2. Representation from the People at large and not from the States[2] —

3. National Governmt to operate individually upon the People in the first Instance, and not upon the States[3] —

Durability.

[1] Apparently referring to the argument used in his speech of June 9: "It was once proposed by Galloway and some others that America should be represented in the British Parlt and then be bound by its laws. America could not have been entitled to more than ⅓ of the No. of Representatives which would fall to the share of G. B. Would American rights and interests have been safe under an authority thus constituted?" Madison's notes, in *Documentary History*, III. 98.

[2] *Ibid.*

[3] *Ibid.*

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F. *Notes for Speech of June 16.*[1]

1. Because it accords with our Powers. Suppose an Attorney. Who can vote agt it — If Confedn cannot be amended, say so — The Experimt has not been made.

2. Because it accords with the Sentiments of the People.

1. Coms

2. News-papers — Political Barometer. Jersey never would have sent Delegates under the first Plan —

Not to sport Opinions of my own. Wt can be done. A little practicable Virtue preferrable to Theory.

1. As States — independant of any Treaty or Confedn —

Each State is sovereign, free, and independant — Sovereignty includes Equality. We come here as States and as Equals — Why vote by States in Convention — We will not give up the Right —

Mr Wilson — A Principle given up in the first Confedn.[2]

2. As under the existing Articles of the Confedn

5th Article — unanimously entered into.

Back Lands — Jersey — Maryland — [3]

A Contract. The Nature of a Contract. Solemnly entered into — Why break it — why not the new or present one be broke in the same Manner —

Convenience.

The last Clause in the Confedn —

Some of the States will not consent —

Self-Destruction.

Abolition of the lesser States —

Hitherto argued upon Principle — as States — as subsisting Treaties — The Danger to the lesser States — The Natural Progress of Power — Combination of Parts — Orders — States — Proportion of Votes — State-Politicks and Attachments — Great Britain and America —

Objns The larger States contribute most, and therefore Representn ought to be in Proportion —

No — they have more to protect.

A rich State and poor State in same Relation as a rich Individual and a poor one.

2. For the Sake of preserving the Liberty of the others —

3. Wealth will have its Influence —

Objn — Mr Wilson[4] — first Principles — All Authority de-

[1] This document is in possession of Miss Emily K. Paterson.

[2] Wilson, according to Madison's notes, made use of some such expression in his speech of June 9, *Doc. Hist.*, III. 99.

[3] "It was the small ones that came in reluctantly and slowly. N. Jersey and Maryland were the two last, the former objecting to the want of power in Congress over trade: both of them to the want of power to appropriate the vacant territory to the benefit of the whole." Paterson, June 16, as condensed by Madison, *Ibid.*, 131.

[4] Reference is made here and in many of the succeeding arguments to Wilson's speech of June 9, *Doc. Hist.*, III. 99.

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rived from the People — The People entitled to exercise Authority in Person. One free Citizen ought to be of equal Importance with another — true — One free State of equal Importance with another — Both true when properly applied. The Beauty of all Knowlege consists in the Application —

One free Citizen ought to be of equal Importance with another — they are Members of the Society, and therefore true — England and Switzerland. Pennsylv[a] and Jersey — they have the same Privileges, partake in the same common Stock, for Instance, in back and unlocated Lands. The Gen[n] soon found out the Diff[e] between a Pennsylv[a] and a Jersey-Man when we talked of Consolid[n] then the Pennsyl[a] gave up ⅓ — No; no — A Nation, when it is necessary to go by Majority of Votes, a State, when it is necessary to divide the common Stock —

A large County and a small County —[1]

Equalize the States — No Harm — no Hurt. No authority for that Purpose — and then it is impracticable —

Authority — Why talk of the first set of Propositions —

Impracticable — how does that appear — Make the Experiment — Propose the Measure to the Consideration of the States —[2]

Obj[n] — There must be a national Governm[t] to operate individually upon the People in the first Instance, and not upon the States — and therefore a Representation from the People at Large and not from the States —

1. Will the Operation and Force of the Gov[t] depend upon the mode of Represent[n] — No — it will depend upon the Quantum of Power lodged in the leg. ex. and jud[y] Depart-

[1] Perhaps referring to Williamson's speech of June 9, which he made in answer to Paterson, *Doc. Hist.*, III. 100.

[2] Paterson's argument in these paragraphs may be this: The gentlemen are desirous of making a nation; but when we propose consolidation by a redivision of the states so that the parts may be equal, then it is apparent that Pennsylvania would lose a portion, one-third, of its land. They are for a nation, when it is a question of voting, but they are for the state when a division of the land is proposed, or a division of the common stock. Let us try the plan of equalizing the states. No harm will be done. Gentlemen argue that they have no authority. If they are hesitating because of want of authority, why do they talk of the Randolph plan? They have no authority to propose those measures either. Why is it argued that it is impracticable to throw the land into a common stock and divide the states anew? How does that appear? Make the experiment. Propose the measure to the consideration of the states.

If Paterson and Brearley had this scheme as much in mind as it would appear they had, it is apparent that they were not quite so determined as some to adhere to the principle of the Confederation as the *only* solution. There came out distinctly the old small state jealousy and above all the interminable land question which had agitated the states almost from the beginning of the war.

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ments — it will operate individually in the one Case as well as in the other —

2. Congress are empowered to act individually or to carry the Req^{t} into Exec^{n} in the same Manner as is set forth in the first Plan —

3. If not, it may be modified to answer the Purpose.

4. If it cannot be done, better than to have some States devoured by others —

Obj^{n} — Congress not sufficient — there must be two Branches — a House of Delegates and a Senate; why, they will be a Check — This not applicable to the supreme Council of the States — The Representatives from the several States are Checks upon each other.

In a single State Party Heat and Spirit may pervade the whole, and a single Branch may of a sudden do a very improper Act — A second Branch gives Time for Reflexion; the Season of Calmness will return, etc. Is this likely to be the Case among the Representatives of 13 States —

What is the Fact — Congress has hitherto conducted with great Prudence and Sagacity — the People have been satisfied — Give Congress the same Powers, that you intend to give the two Branches, and I apprehend they will act with as much Propriety and more Energy than the latter.

The Chance for Wisdom greater — Refinement — Secretion —

The Expence will be enormous —

Congress the Sun of our political World.

G. *Notes, probably for a Speech not delivered.*[1]

1. The Equality of the States — Sovereignty and Equality are convertible Terms. Pennsylv^{a} a distinct political Being —

2. As under the existing Articles of the Confed^{n} A Contract solemnly entered into.

3. The Danger to the lesser States.

4. The Impracticability of the present System.

5. Its Expence —

It must be admitted, that before a Treaty can be binding, each State must consent.

[1] This document is in the possession of Miss Emily K. Paterson. These notes are in one document, and it has not seemed wise to separate them. On the Bancroft copies the first portion, *i. e.* to the words "Obj^{n} M^{r}. Wilson — The Minority," is headed "Notes for speech of 16 June"; what follows is headed "Notes of Wilson's of 30 June; Madison's of 19 June; King's of 30 June cf. Elliot V." A comparison with the notes given below in V. E, page 336, belonging to June 30, seems to show that the remarks of Madison, as well as those of Wilson and King as here given were made on June 30.

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Obj^ns —

The larger States contribute most — and therefore Represent^n ought to be in Proport^n

1. Ans^r They have more to protect. A rich State and a poor State in same Relation as a rich Individual and a poor one.

2. For the Sake of preserving the Liberty of the others — Compromise — Their System.

3. Wealth will have its Influence.

Obj^n M^r Wilson — The Minority will vote away the Property of the Majority.

Ans^r This secured by the first Branch — [1]

The Majority will vote away the Liberties of the Minority [2] — W^t is Wealth when put in Competition with Freedom —

Mad^n Coercion never can be used ag^t a large State.

The lesser States will destroy the larger — Lamb and Lyon —

Obj^n M^r Maddison — The Confed^n inadequate to its Purposes. Repeated Violations in every State — Each Violation renders the Confed^n a Nullity — [3]

1 No. The same Power to rescind as to make. It would be in the Power of one Party always to abrogate a Compact.

Obj^n M^r Maddison — The Confed^n obtained by the Necessity of the Times.

Is the Plea of Compulsion set up. Look at the Confed^n unanimously assented to — M^r Wilson given up — Not complained of — We come here under that Confed^n

Obj^n M^r King — Equality is the Vice of the present System. How does it appear —

Object^n — M^r King [4] — The great Charter of England — Certain constitutional Principles to be observed — Power in the Mag^y to prevent a Violation of fundamental Principles —

Union of England and Scotland.

1. A Union or Consolidation — this a Confederacy.

2. It was to be sure agreed to — Bribery made use of —

3. A King.

4. The Vicinity of France —

The last Time of Meeting —

H. *Notes apparently for Speech of July 9.*

Number of Inhabitants.

New Hampshire in 1774.....100,000.
Massachusetts in 1774.....400,000.

[1] This would seem to make it plain that this note was made after June 29.

[2] This probably from Ellsworth.

[3] A reference to V. E, below and to *Doc. Hist.*, III. 253, will show that this is a part of Madison's speech of June 30.

[4] *Doc. Hist.*, III. 262.

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Rhode-Island by a Return to the Legislature in Feb.ʳ 1783.

48.538 Whites. } 3.331 Blacks. }	51.869.
Connecticut in 1774.....	
Whites 192.000. } Blacks (nearly) 6.000. }	198.000.
in 1782 nearly.....	220.0.0.
New York in 1756. 96.775.	
in 1771. 168.000.	
in 1786. Whites 219.996. } Blacks 18.889 }	238.885.
New Jersey in 1783.	139.000.
about 10,000 Blacks included—	
Pennsylvania—	
Delaware—	
Maryland in 1774 estimated at.	350.000.
Blacks 3/7.....	150.000.
Virginia in 1774.....	650.000,
Blacks as 10 to 11	300.000.

In the lower States the accᵗˢ are not to be depended on —

The Proportion of Blacks.

In Connecticut as 1. to 33.
The same Ratio will answer for Massachusetts —
In Rhode-Island as 1 to 15½.
In New York as 1 to 12 nearly.
In New Jersey as 1 to 13 nearly.

20.1	Virginia	9. 10
40.1	Massᵗˢ	7. 8
80.1	Pennsylvᵃ	8. 8
160.1	Maryland	4. 6.
	Connecticut	4. 5.
	New York	5. 6.
	N. Carolina	5. 5.
	S. Carolina	5. 5.
	N. Jersey	3. 4.
	New Hamsphire	2. 3.
	Rh. Island	1. 1
	Del.	1. 1
	Georgia	2. 3.
		56. 65[1]

[1] The first column shows the representation according to Morris's report of July 9; the second that provided for by King's report from committee, July 10.

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4 East^{n} States	17.
5 Middle States	25.
4 South^{n} States	23.
	65

V. Notes on Debates.

A. *Notes on Debate of June 9.*[1]

M^{r} Brearley. unfair; because of the Combination of the Parts.

Districts—

Equalize the States—

M^{r} Wilson — All Authority is derived from the People—the People entitled to exercise Authority in Person — Italy — Roman Citizens —

2 Things necessary—1. That the Representatives express the Sentiments of the represented. 2. That the Sentiments thus expressed should have the same Operation as if expressed by the People themselves —

Numbers the best Estimate of Property. One free Citizen ought to be of equal Importance with another.

One Mass — 13 — it will be given away 1/3 of the Territory —

No Authority — it is besides impracticable.

He wishes the Distinction of States might be destroyed.

A Principle given up in the first Confed^{n}

M^{r} W^{m}son. It does not appear to him, that the lesser States will be swallowed up.

A small County, and a large County; according to Numbers —

M^{r} Maddison

B. *Notes on Debate of June 11.*

Resolved, That the Rights of Suffrage in the first Branch of the national Leg^{r} ought not to be according to the Article of Confed^{n}, but according to some equitable Ratio of Representation —

Rutledge. Not by the Number of free Inhabitants, but according to the Quotas of Contribution —

Dickinson — The Terms, "Quotas of Contribution," very indefinite — it ought to be according to the *actual Contribution* —

W^{m}son. Supposes, that there will not be any Assignment or Quotas to States; the Governm^{t} to operate individually, and not on States —

Dickinson The Power to be in Proportion to actual Contribution —

King — Suppose an Impost — Connecticut and Jersey do not import — they will have no Representatives —

Butler. This to be left to the State Leg^{rs} — Sum to be proportioned —

[1] See *Documentary History*, III. 94 ff.

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Wilson. Either Rule good — by Numbers best to ascertain the Right of Represent^n^ this agreeably to the Sentiments of 11 States — Impost alone will not be sufficient to answer the national Exigencies — Revenues arising from Postage — The present Quota not a lasting Rule — People to be numbered at fixed Periods — A Rule arising from Property and Numbers —

Gerry. Rule of Taxation not the Rule of Representation — 4 might then have more Voices than ten — Slaves not to be put upon the Footing of freemen — Freemen of Mass^ts^ not to be put upon a Footing with the Slaves of other States — Horses and Cattle ought to have the Right of Represent^n^ Negroes — Mules —

The Taxes must be drawn by the nat^l^ Governmt. immediately from the People; otherwise will never be collected —

Madison. Leave the particular Rule for the present. A common Standard ought to be provided —

C. *Notes on Debate of June 16.*

Lansing — Contrasts the Principles of the two Systems —

The national Plan proposes to draw Represent^n^ from the People.

The federal Plan proposes to draw Represent^n^ from the States.

The first will absorb the State-Governm^ts^.

1. The Powers of the Convention.

2. The Probability as to the Adoption of either System —

Publick Acts — particularly the Act respecting the Impost.

Reasoning upon Systems unsupported by Experience generally erroneous —

Paterson.

Wilson[1] The Plans do not agree in the following Instances.

1. The Gov^t^ consists of 2 Branches.

to connect them together as States. 2. The original Authority of the People at Large is brought forward.

3. Representation to be according to the Number and Importance of the Citizens.

4. A single Executive.

5. A Majority of the United States are to control.

6. The national Leg. can operate in all Cases in which the State Leg. cannot.

7. The national Leg. will have a Right to negative all State-Acts contravening Treaties, etc.

8. Ex. Mag. removable on Conviction.

[1] We have here a new summary of Wilson's long and able speech of this date.

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9. The Ex. to have a qualified Negative over Acts of the Legr —

10. Provision is made for superior Tribunals —

11. The Jurisdn of the national Legr is to extend to all Cases of a national Nature.

12. National Peace, all Questions comprehending it, will be the Object of the national Judiciary —

13. Delegates to come from the People.

The relative Merit of the two Plans.

1. Upon Principles

2. Upon Experience.

3. The joint Result of both.

He can conclude finally Nothing; and to propose every Thing — he may propose any Plan —

Sentiments of the People; those with whom we converse we naturally conclude to be the Sentiments of the People.

States Sovereignments and State Governmts not so much an Idol as is apprehended — a national Government to protect Property and promote Happiness, the Wish of the People.

Will a Citizen of New Jersey think himself honoured when addressed as a Citzn of that State, and degraded when addressed as a Citizen of the U. S.

The People expect Relief from the national Councils; it can be had only from a national Governmt —

Equalization — A new Proposal thrown out for the Sentiments of the People.

Adl Powers ought not to be given to Congress. Objns to that Body.

1. Congress as a legislative Body does not stand upon the Authority of the People.

2. Congress consists of but one Branch.

An equal Representn in Proportion to Numbers.

Answr Citizens of the same State. The Foundation, the Progress, and Principles of Representation — Look at England — Holland — the Vote of every Province necessary. Ld Chesterfield —

Impost opposed and defeated not by one of the large States —

The Consent of Rhode-Island will be necessary on the Jersey-Plan —

A single Legr

Despotism presents itself in several various Shapes — military Despot — ex. Despot — Is there no such Thing as a leg. Despot — The Leg. Authority ought to be restrained —

The Restraints upon the Legr must be such as will operate within itself — No Check in a single Branch —

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Should have distinct and independant Branches — reciprocal Controul.

A single Executive — Triumvirate of Rome — 2 Triumvirate — Augustus rose superior — Sparta — Rome —

Pinckney —[1] If Jersey can have an equal Represent[n] she will come into the Plan from Virginia —

Views — to amend the Confed[n] if not amendable, then to propose a new Governm[t] —

Solely recommendatory — Powers sufficient. Division of Territory ; not seriously proposed[2]— The due Settlem[t] of the Importance of the States necessary — this done at present with Respect to Contribution.

England.

1 Congress unfortunately fixed on equal Represent[n] — they had not the Means of determining the Quota — If each State must have a Vote, each State must contribute equally —

Elsworth.

Randolph [3] 1. Whether the Articles of the Confed[n] can be so reformed as to answer the Purposes of a national Governm[t] —

No Usurpation of Power in this Convention. The Spirit of the People in Favour of the Plan from Virginia —

Powers pursued ; if Powers wanting, we should do what is right.

Our Debts remain unpaid while the federal Gov[t] remains as it is —

Delaware. The 13[th] Article — provides for the alteration of the Articles, then of course for the Alteration of the 5[th] Article.

Annapolis. Powers in a deliberate Assembly — ridiculous — We are only to compare Sentiments — Disdain Danger, and do what is necessary to our political Salvation — We must avail ourselves of the present Moment.

His Constituents will applaud, when he has done every Thing in his Power to relieve America —

No Provision ag[t] foreign Powers or Invasions. no Mony nor Men — Militia not sufficient —

No Provision ag[t] internal Insurrections. nor for the Maintenance of Treaties —

Coercion two Ways — 1. as to Trade — 2. as to an Army —

[1] This is considerably longer than the condensation of Pinckney's speech given by Madison. It has here also considerably more force and meaning. Cf. *Doc. Hist.*, III. 136.

[2] Once more a reference to Paterson's and Brearley's plan for consolidation.

[3] An outline of Randolph's able speech of June 16. This throws light on some of Randolph's argument as condensed by Madison.

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Legislation affecting Individuals the only Remedy. This Power too great to lodge in one Body —

Congress possess both Legislation and Execution —

The Variety of Interests[1] in the several States require a national Legislation ; or else there may be a Combination of States —

The Mode of electing Congress an Obj.ⁿ — the Delegates will be under the Influence of its particular States.

Cabal and Intrigue of which such a Body as Congress may be capable. They are too numerous for an Executive.

No Provision under the Confed.ⁿ for supporting the Harmony of the States — their commercial Interests different

No provision for Congress to settle Disputes —

No Provision made or Power in Congress for the Suppression of Rebellion — no Troops can be raised — Congress ought not to have the Power of raising Troops.

A Navigation Act may be necessary — Give Power to whom — not to Congress — capable of Intrigue and Cabal ; Inadequacy of Representation ; Want of Confidence in Congress —

Divide leg. and ex. Branches and then Doors may be open —

Congress fallen considerably in their Reputation.

Doors not open in Congress.

This the last Moment ever will be offered[2] —

D. *Notes on Debates of June 27, 28, and 29.*[3]

June 27. 1787.[4]

Have those who upon the present plan hold $\frac{1}{13}$ part of the Votes, a 13th part of the weight, — certainly not — upon this plan they sink to nothing

The Individual right of Citizens is given up in the State Govts. they cannot exercize it again in the Genl. Government.[5]

It has never been complained of in Congress — the complaint there is the want of proper powers.[6]

[1] That this argument is important in Paterson's mind is indicated by a hand on the margin of his notes pointing to this.

[2] "A Natl. Govt. alone, properly constituted, will answer the purpose ; and he begged it to be considered that the present is the last moment for establishing one. After this select experiment, the people will yield to despair." *Doc. Hist.*, III. 138.

[3] In the handwriting of David Brearley.

[4] According to Madison's notes, Martin alone spoke on this day, his speech lasting three hours. *Doc. Hist.*, III. 224.

[5] This is undoubtedly the argument of Martin based on his notion that the state governments rested on compact.

[6] Here Mr. Brearley has indicated by a hand the importance of the argument.

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June 28th

Mr. Martin resumed his argument.

The Genl. Govt. is not to regulate the rights of Individuals, but that of States. The Genl. Govt is to Govern Sovereignties. then where the propriety of the several Branches — they cannot exist — there can be no such checks.

Amphictyonick Council of Greece represented by two from each town — who were notwithstg the disp^n of the Towns equal — Rollins Ancient Hist. 4 Vol. pa. 79.

All the *Ancient* and *Modern* Confedns and Leagues were as *equals* notwithstanding the *vast* disproportions in size and wealth.

If the large States, who have got a Majority, will adhere to their plan, we cannot help it, but we will publish to the world our plan and our principles, and leave it to judge.

Mr. Madison Have we seen the Great Powers of Europe combining to oppress the small —[1]

Yes — the division of Poland.

They talk in vague Terms of the great States combining etc[2]

Mr. Williamson[2] Wants to know how it is possible that the large States can oppress the small[3]

The rule to tax the States according to their numbers would be cruel and unjust — it would Create a war.

Mr. Madison. If you form the present Government, the States will be satisfied — and they will divide and sub-divide so as to become nearly equal —

June 29th

Doct. Johnson If the States are represented as States — they must be represented as Individuals.

Mr. Gorham— New-Jersey ought not to oppose the plan, as she at present pays the Taxes of Penn. and N. York, from which she would be relieved.

Mr. Madison Will have the States considered as so many great Corporations, and not otherwise.

Col. Hamilton That States have equal rights to vote, is not true It is estabd by the Law of Nations that they have equal votes — but does it follow that they can not contract upon a different footing —

That the Genl Governmt will act, not only, upon the States, but upon Individuals.

As long as the State influence is kept up there will be danger — but the influence will not be as great as is apprehended.

[1] A hand on the margin.

[2] In Madison's notes this speech precedes that of Madison. *Doc. Hist.*, III. 227.

[3] A hand on the margin.

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The small States have had a lesson of State Honesty

It is a contest for power in the weaker States.[1]

M.r Pierce.

Gentlemen of Congress when they vote always connect with them the State views and politicks — and therefore —

M.r Gerry.

That upon Tryal it has been found that the Articles of Conf.n are not adequate —

That the small States have abused their power, and instanced Rho. Island.

E. *Notes on Debate of June 30.*[2]

Wilson.

Did not expect this Question at this Stage of the Business.

Member of Connecticut said, not more than one State to Eastward would accede.

Sense of Duty.

This as to Contrib.n

22 out of 90 — not ¼ —

Artificial Systems of States —

Easy to correct it.

The Voice of the Minority will vote away the Property of the Majority —

A Solecism.

7 States can control the 6.

States imaginary Beings abstracted from Men —

No other Foundation will be solid —

The 3 large States combined. W.t He wants the Principles of the Comb.n — they will be Rivals.

Their Interests are different.

24 out of 90 carry more of an Aristocracy.

Why wish for an Union of the lesser States —

2 Kinds of bad Gov.t — 1. That Gov.t which does not do enough — and 2. that which does too much — Be as we were before we met.

Yes —but then the 2 Systems oppose each other.

The System of Virginia and the System of Jersey agree as to the Powers —

Gov.t by the States necessary. There can be no Difficulty as to this Point.

M.r Elsworth

Obj.n A Minority will govern a Majority. You put it in the Power of a few to prevent the Oppression of the many.

Political Societies are to govern —

In the Br. Const.n the few has a Check upon the many; and one upon both —

The House must be demolished — but it only wants a Shingle —[3]

If Congress had voted by a Majority, all Evils would have been cured —

Rhode-Island — The Power not in Congress.

Are not the large States safe now —

[1] A hand on the margin.

[2] This document is in the possession of Miss Emily K. Paterson.

[3] "We are razing the foundations of the building. When we need only repair the roof." *Doc. Hist.*, III. 252.

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Suppose the large States should agree that 4 free Ports should be established.

Suppose lucrative Offices —

Self-Preservation.

No Unity of Interests —

M.r Maddison. The Confed.n inadequate to its Purposes.

Resol.n of Con.t refusing to comply with a federal Req.n

Lycia. Germanick Body. Reported Violations in every State.

The Rule of Conf.dn obtained by the Necessity of the Times —

The large States will not be secure by the lower Branch.

2.d Branch may possess a Negative over the Laws of the State-Legs.

M.r Elsworth. Con.t has furnished more th.n her Quota as to Men —

M.r Sherman. M.r Wilson asks, why the Interests of the lesser States cannot be as safe in the Hands of the larger States as in their own —

M.r Davie — The Resol.n as reported by the Comee is impracticable — is too large —

The 2.d Branch being executive must sit constantly.

M.r Wilson — Not necessary to sit constantly —

Each State should have one Senator — 1 Member in the second for every 100,000 People; and 1 for the smallest State.

This a Compromise on the Part of the large States.

He will not insist upon small Matters — if the great Principles can be established —

Gov.t placed upon a false Basis.

Doct.r Franklin. The lesser States afraid of their Liberties; the larger States afraid of their Money.

Treaty between France and the U. S. the latter had no Disposition over the Treasury of the former.

M.r King. Equality is the Vice of the present System.

Capt.n Dayton.

M.r Maddison

The Am.t[1] is Congress in a new Form; servile to the States.

No Dispos.n in C.[2] Rep. or Corporations to swallow up the Rest.

M.r Bedford — Purity of Principle—

[1] Amendment probably; if so, it may refer to Wilson's proposition to have one senator in each state "for every 100.000 souls, and let the States not having that n.o of inhabitants be allowed one." *Doc. Hist.*, III. 256. Such would seem to be the connection judging by Madison's notes; but on the other hand it is much more reasonable to suppose that Madison in this speech is referring either to Ellsworth's motion "that the rule of suffrage in the 2.d branch be the same with that established by the articles of confederation" (*Doc. Hist.*, III. 245), or to Franklin's proposals (*Ibid.*, 257).

[2] Or C.y, meaning county.

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M[r] King. Magna Charta of England. Certain const[l] Principles to be observed.

This a Consolid[n] Union of England and Scotland.

The King Bribed. Power in the Mag[y] to prevent a Violation of fundamental Principles.

France — Ireland. Gov[t] a *progressive Force.*

F. *Notes on Debate of July 5.*[1]

Maddison. The Interest of the smaller States to come into the Measure — Delaware — foreign Power — New-Jersey. Single and unconnected.

Butler. The People will not agree to it.

G. Morris. Suppose the larger States agree — the smaller States must come in.

Jersey would follow the Opinions of New York and Pennsylv[a].

The Sword must decide —

The strongest Party will make the weaker Traitors and hang them — foreign Power.

Should be open to Conviction —

— The larger States must prevail — they must decide; they are most powerful.

Not Members of a Synod, or Conventicle —

G. *Notes on Debates of July 7 and 9.*

Gerry. About 2,000 Men in the smaller States, who compose the Executives, Legislatives, and Judiciaries; all interested in opposing the present Plan, because it tends to annihilate the State-Governments.

Sherman — If a Majority of the lesser states be ag[t] the Laws of the national Governm[t]; those Laws cannot be executed — There must then be a Branch immediately from the States.

Wilson — An Agreem[t] elsewhere cannot be expected unless the Representation be fair —

Madison. 1. The Upper Branch may put a Veto upon the Acts of the lower Branch.

2. May extort a Concurrence. The smaller States near the Centre; they may compose a Majority of the Quorum.

Gerry — The larger States will have more Influence; they have in Congress; this from the Nature of Things.

G. Morris — Great Care will be taken to lessen the Powers of the 2[d] Branch —

Corporations to be protected.

[1] The subject under discussion was the report of the Committee providing for equal representation in the second branch and the initiation of revenue and appropriation by the first branch.

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Separate colonial Existances —

Corporations — The small States — go on and fight out the Revn or give us an equal Vote.

The small States say, that they will have greater Rights as Citizens —

Must have such a Govt as will give Safety —

State-Policy not a proper Object for a vigorous Governmt

In Proportion to the Vigour and Strength of the State Governmts will be the Febleness of the general Governmt —

We must have it in View eventually to lessen and destroy the State Limits and Authorities —

The Germanick Constn — The Emperor has never been able to collect them — the separate Parts were too independant —

Monday 9th July, 87.

Gorham. Report of Comee [1]

Necessary, that the Atlantic States should take Care of themselves; the Western States will soon be very numerous.

H. *Notes on Debate of July 23.*[2]

1. The Constitutionality of the Measure.

Reasons.

1. The People the Source of Power. Union —

2. The Legr of To-Morrow may repeal the Act of the Legr of To-Day. So as to Convention —

3. Some of the Constns not well or authoritatively founded — Acquiesence.

Expediency.

2 Branches in some of the States —

Judges, etc excluded —

The very Men that will oppose — Rh. Island —

[1] This was the report of the committee stating the representation of each state in the first Congress.

[2] The heading on the Lenox Library copy is "Notes of Paterson possibly of Madison's speech of 19 June." The notes seem however to cover the debates of July 23, the day on which Paterson seconded Ellsworth's motion that the Constitution be referred to the legislatures for ratification. Down to the first blank line, *i. e.* through the word "Acquiesence," the notes refer to the speech of Mason. Down to the next blank line, *i. e.* from "Expediency" through "Rh. Island," the notes refer to the speech of Gorham. The next line, beginning with "The Debt" and ending with "Idea," refers to Ellsworth's remarks. From the words "The Legr," through the words "13 States," reference seems to be to the remarks of G. Morris. Possibly "Congress over again" refers to something said by King but perhaps by Morris. The last sentence is doubtless an assertion of Madison's.

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The Debt will go with the Govt — this a prevailing Idea —

The Legr has no Right to alter the Constn or the Confedn —

Not acting under the Confedn Nothing but a Compact resting upon the 13 States.

Congress over again.

A Violation of the Compact by one of the Parties, leaves the rest at Large, and exonerated from the Agreemt

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REVIEWS OF BOOKS

Encyclopædia Biblica. Volume IV. Edited by Rev. T. K. CHEYNE and H. SUTHERLAND BLACK. (London: Adam and Charles Black; New York: The Macmillan Company. 1903. Pp. 728.)

THE completion of the *Encyclopædia Biblica*, with its fourth volume, is a notable event in the history of Biblical science, for the reason that the work has broken loose almost entirely from the authority of traditional critical and theological views. Some old opinions it of necessity retains, particularly in cases in which there is no new evidence; but its intention is to test everything by fresh investigation. Every question, critical, literary, historical, or theological, is considered to be open, and the largest liberty has been given the contributors. This has doubtless led to excess in some instances, but the general result has been to interrogate facts more strictly, and to reject what does not stand faithful scrutiny. Many opinions hitherto held by respectable scholars or by the general religious public are discarded. But the spirit of the *Encyclopædia* cannot fairly be described as negative — it for the most part discards only to build more solidly. Perhaps the greatest shock to the general reader will be given by certain articles on New Testament subjects, in which received opinions are very widely departed from. In the present volume, for example, the Epistle to the Romans (generally regarded as one of the four indisputably Pauline letters) is declared to present a theological development considerably later than Paul's time, and therefore to be certainly not written by him, and moreover, to be not a unit, but a combination of several different treatises. This conclusion will probably be rejected by the majority of the New Testament scholars of to-day; but the writer gives the current view, which he undertakes to refute, and gives his reasons for his own view, so that every reader has before him the material from which to draw his own conclusion. There are few articles, however, that go counter to the general opinions of scholars so decidedly as this. In the Old Testament field Dr. Cheyne pushes his theory of the influence of the Jerahmeel clan on Hebrew fortunes farther than seems just, and his frequent transformations of names of persons and places into "Jerahmeel" appear to be arbitrary.

Among the articles in the present volume of interest for historical students the following may be mentioned: under "Quirinius" the Roman census-system in the first century of our era (Luke II. 1, 2) is considered; the much-debated question of Peter's connection with the Roman church is discussed in the article "Rome"; there are sketches of the history and institutions of the Samaritans, of the careers of the great Assyrian king Sargon II. and the Egyptian king Shishak, and of

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the civilization of the Scythians; there is a general survey of the history of Syria down to the Moslem conquest, with a map; side by side are long articles on Simon Magus and Simon Peter, the former of whom is one of the most curious figures in history; war is represented by the article "Siege," and commerce by the articles "Shekel," "Trade and Commerce," and "Weights and Measures." There is also a sketch of the Biblical Hebrew text and the ancient versions.

In such a work, in which the various articles are written by independent specialists, it is impossible to eliminate the personal equation and give only what is accepted everywhere by everybody. Biblical criticism is a growing science, and a Biblical encyclopedia of to-day must give the views of competent scholars of to-day. Hence, doubtless, a certain one-sidedness, which, however, in the present instance, is generally mitigated by a wide citation of opposed views; and this work, the present reviewer thinks, will be found to furnish the reader, in the main, satisfactory guidance in the points with which it has to do.

C. H. Toy.

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la Direction de M. Ernest Lavisse.) Tome I., 1. Tableau de la Géographie de la France. Par M. Vidal de la Blache, Professeur à l'Université de Paris. (Paris: Hachette et Cie. 1903. Pp. 395.)

"L'histoire d'un peuple," says M. Vidal de la Blache, "est inséparable de la contrée qu'il habite. On ne peut se représenter le peuple grec ailleurs qu'autour des mers helléniques, l'Anglais, ailleurs que dans son île, l'Américain, ailleurs que dans les vastes espaces des États-Unis. Comment en est-il de même du peuple dont l'histoire s'est incorporée au sol de la France, c'est ce qu'on a cherché à expliquer dans ces pages" (introduction).

And yet, although the value of historical geography has been recognized from the time of Pliny and Strabo, it needs only a little reflection to remind us that it is a new science, along with the biological and physical sciences, whose methods of research were fixed and whose basal principles were established not later than the second half of the last century. In France the value of historical geography was first officially recognized in the arrêté of May 15, 1818, an act due to the initiative of Royer-Collard, which prescribed equal instruction in history and geography for each class from the fifth to the rhetoric grade. One need only glance over the pages of Sismondi, Barante, Anquetil, Lacratelle, Rapin, and Mezeray to discover how great a revolution has been wrought, both in the writing and in the teaching of history, since their time. Michelet and Guizot broke away from the old traditions; but Guizot's primary interest was in the history of institutions, and Michelet was a symbolist who yet felt deeply the reality and seriousness of life. With Michelet moral forces were the dominant interest. He appreciated the influence

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of climate and topography, but, after all, his perceptions in this particular were more temperamental than intellectual or scientific. He *felt* effects. Michelet's demonstrations are often defective and unscientific, though they are always brilliant. Who that has read those nature-studies of his last years, "La Montagne" and "La Mer," or better still, the marvelous third book of the *Histoire de France*, has not perceived this?

Times have changed. To-day the proper groundwork of true historical study is an accurate geography; and by this very much is implied. Historical geography is a complex science (pp. 8, 60). Beginning with the influence upon France both physically and commercially of great factors like the Mediterranean, the oceans, and the Channel, M. Vidal de la Blache passes to the consideration of the ethnic foundations of the French people. The great highways of migration in central Europe from prehistoric times are traced: first, by the valley of the Danube; second, through middle Germany, Picardy, and Champaign, into France; third, along the seaboard of the North Sea by way of Frisia and Flanders (p. 31). The influence exercised by the vast forests existing in Europe in the primitive era is described by a wealth of illustration. The Black Forest, as we know it, the Böhmer-Wald, the forests of Fontainebleau and Compiégne, with many others, are but fragments of the mighty wilderness which covered the face of Europe in years long vanished away. The division of both France and Germany into the feudal provinces of the ninth and tenth centuries was greatly influenced by the forests. Bohemia was thus separated from Bavaria, Franconia from Swabia, Anjou from Brittany, Saintonge from Poitou, and every English schoolboy knows the history of the Andreas-Wald between Kent and Sussex (pp. 31–33, 131–133). It is a striking fact that Lorraine, perhaps more than any province of Germany or France, has been historically influenced by natural causes. The curious separate, or rather double, identity of Lorraine is seem to be due to deeper causes than race-rivalry, or position as a border province between two great nations. The limits of Lorraine are of nature's making much more than of men's or of nations' device (pp. 33, 198–199, 204–208), and the existence of a Lorraine type of mankind in this region is older even than the settlement of Verdun or the Treaty of Meersen (p. 205).

The story of the gradual formation of agricultural zones in the heart of the ancient woods, the beginnings of a civilization, stimulated to industrial activity and invention by the discovery of iron in Moravia and of tin in Brittany and Cornwall, fill some fascinating pages (36–39). It is a step farther from the consideration of such things to that of varieties of soil and climate and the influence exercised by them (Part I., Ch. 4). Then a few paragraphs upon the influence of the topography of France upon its commerce close the first portion of the work, in which the *ensemble* of France — "la personnalité géographique" — is treated of as nature formed the country, unmodified by man.

A detailed regional description of France follows, M. Vidal de la Blache dividing France into ten grand divisions. This study is method-

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ically done. First the physical development of the region is described, then the gradual growth of historical phenomena, and the intimate association of geography and history is made manifest. These pages are interesting. To read them is like watching a sculptor molding the lifeless clay into the human shape and endowing the inert mass with the expression of the soul. The earth lives; the elemental is humanized.

Many questions are answered here which may have perplexed the student of history until now, and some vivid suggestions are made. The commercial greatness of Ghent and Bruges and Ypres is foreshadowed in the "making" of this portion of Europe. Why Picardy and Flanders became "the cockpit of Europe" is answered here. Belgium and Holland and Luxembourg have to be neutral states by the ordinance of nature as well as because the dictum of Europe so declares. The balance of power is demonstrable in terms of physical geography as well as in terms of international law.

Naturally, the upgrowth of Paris fills a large space. M. Vidal de la Blache finds the greatness of Paris prefigured in its fortunate environment (p. 85). This prosperity was increased by the advantageous connection of the Parisian basin with Flanders, through the valley of the Somme. But politics were capricious in the tenth century. We are reminded that "Nous sommes habitués à faire pivoter notre histoire autour de Paris: pendant longtemps elle a pivoté entre Reims, Laon, Soissons et Noyon" (p. 106). The coincidence of physical and political geography ultimately won in the struggle, but why did Paris, and not Rouen, become the capital of the region? From the time of Strabo the situation of Rouen had been regarded as a peculiarly fortunate one: "sa position ressemblerait à celle de Londres" (p. 178). The answer is found in the discovery of the strategic importance of the island of Paris during the incursions of the Northmen, and indeed long after the creation of the Norman duchy. Mr. Freeman long ago demonstrated this statement in his essay upon "The Early Sieges of Paris," but the depth and breadth of the geological and other physical facts become doubly conclusive now.

The Beauce is the natural link between France north and France south of the Loire, and across its low plains we are taken to southern France. The description of the transition is like a painting by Meissonier. One knows not which to admire more — the picture as a painting, or the admirable technique, delicacy of touch, and accuracy of detail (pp. 273–274). Two observations in the part devoted to southern France seem noteworthy: first, the absence of urban life in Haute Auvergne in Roman times, although the Romans were "grands créateurs de vie urbaine," and the great influence in these regions of the medieval church (p. 295); second, the influence of physiography upon the existence and persistence of the little state of Béarn, the suppression of whose institutions von Ranke regretted. There is comfort, though, in the reflection that the unity of France was predestined by physical geography as well as asserted by an inexorable monarchy (p. 375).

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The methods of Michelet and of M. Vidal de la Blache were contrasted in the beginning of this review. They are also to be compared. Michelet's style may be the more captivating and the play of his imagination be ever a rapture to his reader, but M. Vidal de la Blache writes in an alluring way, and at times is eloquent and poetic. The description of the west coast of Normandy (p. 326) is an etching in words.

This volume is the ripe fruit of thirty years of study. Karl Ritter's letters and even the English *Consular Reports* have been quarried for knowledge. Some time ago the reviewer picked up a little pamphlet by M. Vidal de la Blache, a lecture delivered at the opening of the course in history and geography at the University of Nancy. It is interesting to compare it with the present work. Reading it in the light of this volume, one feels the little brochure to be a prophecy and a promise now so admirably fulfilled. It is a pity, however, that some such work as Himly's book upon the territorial formation of Germany might not conclude this series of volumes, as the one now under review inaugurates the series. From the nature of his subject M. Vidal de la Blache cannot enlarge upon the historical geography of France. He only suggests the lines of development. All the information of a geographo-political nature now scattered throughout the whole requires to be compressed and crystallized into a volume which shall portray the territorial formation of France; the formation of the feudal provinces; the influence of the Seine and the Loire, as bearers of commerce, as boundaries, and as factors in the time of war, as notably the case with the Loire in the sixteenth century. The history of the "natural frontiers" of France is one yet imperfectly written, although M. Sorel is the author of a brief but excellent account (*Révolution Française*, I. 254 ff.). There are sixty-four maps or diagrams scattered through the book, which do much to illuminate the text. It is to be regretted, however, that the maps have not been printed on paper of a harder and smoother surface than the ordinary book-paper. For the large general map alone is proper paper used. As a consequence it is the only one which is clear. The others appear blurred, and fine details are impossible.

JAMES WESTFALL THOMPSON.

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la Direction de M. Ernest Lavisse.) Tome II., 1. Le Christianisme, les Barbares, Mérovingiens et Carolingiens. Par C. BAYET, G. PFISTER, et A. KLEINCLAUSZ. (Paris: Hachette et Cie. 1903. Pp. 439.)

THE second volume of the *Histoire de France* is not up to the standard of some other volumes of the series. First of all, it lacks the unity of most of the others, for it is of triple authorship. M. Bayet writes of the evangelization of Gaul, of the manners and customs of the early Germans, of the history of the Visigoths and Burgundians, and of the Franks down to the death of Clovis, besides contributing a chapter upon

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the intellectual influence of the church M. Pfister has covered the Merovingian period down to 714, and written the chapters upon the later Carolingians and the origins of the feudal régime; to M. Kleinclausz has been allotted the task of writing the history of the Carolingians from 714 to 888.

M. Bayet is scholarly and has great grace of style, but he has a tendency to be too positive on doubtful matters. On page 3 he assumes that St. Paul visited Gaul; whereas that Paul visited Spain between his first and second imprisonments is only conjectured; it has the element of probability, but the burden of historical opinion regards the supposed visit to Gaul as apocryphal. Again, did Irenæus recognize the primacy of the bishop of Rome (p. 9)? And in view of the fifteen drastic ordinances of the emperor Theodosius against heretical and pagan worshipers, and the appropriation of pagan property for Christian purposes, it seems an exaggerated distinction to write that "Le christianisme n'est pas encore une religion d'État, mais il est la religion des empereurs qui, de tout leur pouvoir, en favorisent les progrés." The chapter on "Le Monde Germanique" is a skilful presentation of the salient institutions of the Germanic people — skilful because of the clever avoidance of the angles of argument. The controversialist will probably find much to complain of, but the average reader will be inclined to accept the statements at their face-value. German scholarship is the author's reliance in this writing, and Coulanges is entirely repudiated (p. 56, note).

M. Pfister excels in institutional history; the chapter upon the origins of feudalism is a capital piece of writing. The same may be said of that upon the institutions of the Merovingian epoch. But the rest of Book II., covering the Frank period from the death of Clovis to Charles Martel, is disappointing. There is too much mere narrative. Moreover, in his account M. Pfister divorces the facts from the institutions that shaped them, and this makes his interpretation of the civil wars of the sixth and seventh centuries unsatisfactory. His view is that the wars were provoked by the ambition of the Frank kings. The real principle at stake was whether the crown or the nobles should be predominant, but the nobles were the aggressors. The author fails to distinguish between cause and occasion. The war between Sigbert and Chilperic to revenge the murder of the Neustrian queen was taken advantage of by the *leudes*, to rebel against the kingship which had grown too strong for German — and feudal — ideas during the heroic era. As he exaggerates the ambition of the kings as a factor in the struggle, so also he overestimates the personal worth of Dagobert I. in the interim between the civil wars. The king reigned, but the nobles governed in the person of Pepin of Landen. The very failure of Dagobert's attempt to recover from the nobles, and even from the church, a portion of those lands of which the crown had been despoiled in the course of the wars, is evidence of this. Dagobert recoiled before the powerful opposition of the nobles and clerical resistance. The eulogy of him on page 161 hardly agrees with critical history to-day. Owing to this failure to

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interpret Frankish history institutionally, the author fails to gage the significance of Grimoald's attempted usurpation in 656. The weight of tradition and the sanction of the church were back of the Merovingian dynasty. The act stirred the latent loyalty of the Franks, and such forces, though impalpable, are not to be ignored. There is a tardy recognition (p. 273) of the influence of this "divinity that doth hedge a king," but the point there made could not have been appreciated by the mass of the Frank nation, and was capable of advantages with legists and churchmen only.

This personal interpretation of history is carried on through the history of the Carolingians, written by M. Kleinclausz. Fortunately, the forceful character of Charlemagne makes such a manner of treatment seem juster than it would otherwise be. Book III., Chapter 2, upon Charlemagne as emperor, and especially the sixth portion, upon the coronation of 800, is as lucid as Bryce, while being much fuller. Sickel's article in the *Historische Zeitschrift* for 1900, LXXXIV. 385, "Kirchenstaat und Carolinger," ought to be inserted in the bibliography of this event. The same praise is to be awarded the paragraphs upon Charlemagne's partition of the Empire in 806. The feudal structure of the Frank Empire, and the importance of "peace and concord" as unifying bonds are emphasized. But the minute that Charlemagne has disappeared the defective treatment becomes manifest again. Charlemagne was stronger than institutions and molded them to his will. With the Merovingians and later Carolingians institutions were stronger than the kings. The civil wars of the ninth century are too much ascribed to the weaknesses of Louis the Pious and the ambition of his sons, and not enough to the feudal influences of the time. The only hint of such a condition of things is in two lines upon page 367. The feudal character of the Strasburg Oath is passed over; Verdun is represented too much as a national partition and not as a distribution of fiefs, which fundamentally it was. It is singular that there is no allusion to the synod of Trosly in 909, for few documents of that century cast as great light upon the civilization of that age, and when read in the light of the events of the time the articles are luminous as to feudal and clerical policy. Charles the Simple gets all the credit for the creation of the Norman duchy, neither the influence of the church nor the self-interest of Robert of Paris being recognized. In connection with Normandy, there is a distinct exaggeration on page 404. The Danegeld was not *often* collected after the settlement of the Northmen. There are only two instances — 924 and 926.

James Westfall Thompson.

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The British Nation: A History. By GEORGE M. WRONG, M.A., Professor of History in the University of Toronto. [Twentieth Century Text-books.] (New York: D. Appleton and Company. 1903. Pp. xxxii, 616.)

A high-school history of "the British nation" by the professor of history in the University of Toronto in itself promises novelties, which are further indicated in the preface. The point of view governing the choice of title is shown by the following extract: "Britain represents many states, and the aspiration to unite the several parts into one effective whole has now become almost a national passion. While England, as pioneer in developing the dominant phase of modern political life — representative government — must always stand first in the history of Britain, other divisions have contributed important elements, and Mr. Green's phrase, the English People, hardly covers the whole range of the history of the British nation" (p. vi). Attention is also called to the fact that "about one-third of the chapters are devoted to social life," using the materials gathered together in Traill's *Social England*; that the author has "aimed especially to interpret the characters of those conspicuous in the narrative," making use of the *Dictionary of National Biography*, and that "almost unconsciously to himself Captain Mahan's teaching in regard to the importance of sea-power has pervaded his interpretation of the past."

It may be said at once that these points of view are pretty consistently maintained. The attempt to include the whole of the United Kingdom and the colonies in a book of this size naturally constitutes a difficult task. In his execution of it Professor Wrong gives about sixteen pages in all to Ireland and about ten to Scotland — including in this count the space devoted to such scattered topics as the relations of Elizabeth, Cromwell, William III., Pitt, Peel, and Gladstone to Ireland, and of Edward I., Elizabeth, Charles I., Cromwell, William III., and Anne to Scotland; Wales is mentioned only in passing, and the growth of the British dominions over seas is summed up, for the most part, in a special chapter of twenty pages at the close of the book. The amount of space given to these topics is thus not much greater than in other recent school histories; nevertheless the author lives up to the promise of his title by constantly keeping before the reader's attention, from the first chapter to the last, the fact that the theme of the book is something larger than the mere history of England. Similarly too, the amount of space devoted to questions of sea-power is not great, but the subject is kept to the fore; it is discussed in the first chapter, on geography and race, in the last in connection with the growth of the empire, and incidentally it is touched upon in connection with Blake, the Seven Years' War, Nelson, the Continental System, and the war in the Peninsula. Six of the twenty-three chapters, with a total of 121 pages, deal with such topics as "Pre-Norman Civilization in England," "Society in England at the Close of the Mediæval Period," "The England of Elizabeth," "Social Changes

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in the Nineteenth Century''; other chapters in addition deal largely with social topics. Space for such matters is obtained by condensation of the political narrative wherever possible. At times this policy seems carried too far: the causes of the Hundred Years' War are summed up in ten lines, and the struggle is made to turn entirely on the exploded notion of an exclusion based on the Salic law; the Agincourt campaign is given ten lines; twenty lines suffice for Joan of Arc. The statement (p. 355), that Charles I. in 1627 "attacked France in aid of the Huguenots," without mention of the friction over the marriage-treaty and the affair of the prizes, is distinctly misleading. On the whole, however, the work of condensation is skilfully done, and the result is a readable narrative from which little essential has been omitted.

The book is indeed one of the best school histories of England that is on the market. The style is good, the chapters are supplied with concise summaries of European events at the beginning, and with summaries of dates and lists of books for reference at the close. The maps and illustrations are numerous and well-chosen, and on the whole are well executed; exceptions are Charles II. (p. 410), the elder Pitt (p. 452), and some others in which the half-tone plate needs retouching. Unless the reviewer is much mistaken, the cut on p. 295 labeled "Philip II of Spain," is Philip III. Commendable features are the dates of birth and death given with portraits, the explanatory text where cuts seem to need it, and the indication of the source in the list of illustrations prefixed to the book.

Because the book is on the whole so excellent, it is desirable to point out with some completeness the errata noted. The statement (p. 26) that Christianity "became in 313 the religion of the Empire" goes beyond the facts. Rolf was given Normandy not in 913 but in 911 (p. 46). The Constitutions of Clarendon, as Maitland has shown, did not provide that "clerics might be tried by laymen" (p. 97). Becket was murdered on December 29, not December 27 (p. 99). The statement that Richard I.'s conduct on the Third Crusade was "almost stainless" (p. 108) is too strong a statement. John was not present in person at the battle of Bouvines (p. 113), but was in Poitou. On page 182 the statement that King John of France "could not pay his ransom" and so died in captivity, ignores his release and voluntary return, and is misleading. The characterization of the Templars (p. 248) as "lay monks" is open to objection. On page 477 the statement that "the *farm* had three great fields" must mean the manor or village. The account of the passage of the first Reform act (pp. 518–519) is pretty badly mixed. The bill introduced in March, 1831, did not pass the Commons, and hence was not rejected by the Lords; it was a defeat in committee that led to the dissolution. There was only one rejection by the House of Lords, namely that of the second bill, which was passed by the new House of Commons in September, 1831; and it was after this that the riots broke out in Bristol and elsewhere. The resignation of the ministers took place while the third bill was still before the Lords,

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in consequence of an adverse motion carried in committee; and it was this same bill which was finally passed after the return of the ministers to power. On page 561 the "friendly societies" need some explanation for American youth. The Irish famine (p. 564) was in 1846, not 1848. In the index (p. 611) the reference "monk" is to General Monk.

SAMUEL B. HARDING.

Die soziale und politische Bedeutung der Grundherrschaft im früheren Mittelalter. Untersuchungen über Hofrecht, Immunität und Landleihen. Von GERHARD SEELIGER. (Leipzig: B. G. Teubner. 1903. Pp. 204.)

THIS careful and scholarly work is essentially a contribution to the bitter controversy that in recent years has raged in Germany over the interpretation of historical developments by economic causes. The author conducts his investigation with a temperance and amenity that are the more admirable in contrast with the tone that many of his predecessors have permitted themselves to adopt.

The chief purpose of the work is to show the impossibility of accounting for the political and social changes of the early middle ages on economic considerations alone. Landlordship or seigniorial authority (*Grundherrschaft*), Professor Seeliger contends, affected political and social life only in so far as it was privileged and authorized by the state. He institutes a careful inquiry into the nature of benefice, precarium, immunity, and manorial law with the purpose of showing that these institutions lacked that self-consistency, that constancy and precision which alone would justify scholars in operating with them in the peremptory fashion that has commonly been followed in generalizations about the early middle ages. The failure to realize the shifting and multiform aspects of these institutions has produced, in Professor Seeliger's opinion, much vain controversy.

A good example of this is the famous dispute over benefice and precarium carried on by Waitz and Roth. A study of the institutions in question leads our author to the conclusion that one is not justified in generalizing about them in detail. The precarium varied with the individual contract. It did not create a determinable relation between the grantor and the recipient. There are but two general characteristics to be noted. The precarium is at first a loan of land made in reply to a document requesting such a loan. Then in the course of the eighth and ninth centuries the Franks introduced a second document securing the precarist, who had generally made a previous surrender of his land. The precarium may then be defined as a loan of land operated by a previous surrender of property by the precarist. These points are familiar to readers of Fustel de Coulanges; the novelty lies in restricting the general definition of the institution within such narrow limits. With regard to the benefice, in like manner Professor Seeliger will go no further than to say that it is to be distinguished from land grants of a superior order by the obligation of making some kind of render or service, from those

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of an inferior order by the fact that it was disengaged from the "engeren Gutsverband." The benefice and precarium of the ninth and tenth centuries may be thought of as concentric institutions; all precaria were beneficia, although the converse of this proposition was not true. Then the two begin to separate, and precaria occur which are not beneficia. Thus there is both differentiation, which was the contention of Waitz, and assimilation, which was that of Roth. Thus does Professor Seeliger sound the note of caution, deprecating that *Systemsucht* which has led so many German scholars to vitiate their own work by piecing out knowledge with hypothesis and dealing with the result as though it were established truth.

The chapter on the immunity is perhaps the most important in the book, and the results there attained may be briefly summarized. The original grant of immunity, the prohibition of the *introitus judicum*, acted on existing seigniorial relations, real and personal, to produce a form of jurisdiction which is thus seen to derive from the royal authority. The *advocati*, equipped with the royal ban, then appear as bearers and representatives of this authority. Thus the new jurisdiction is recognized as a public law institution. But the immunity covered only the lands of which the immunist was lord, and these were commonly scattered and dispersed. Immunists then tried to round out or consolidate their estates, or, failing that, to extend their authority over lands of which they were not the lords. Thus a distinction must be taken between lordship or authority deriving from proprietorship, on the one hand, and that deriving from immunity (based on royal grant) on the other. Then after the tenth century, lordship deriving from immunity loses its unity and uniformity. The personal gives way to territorial principle, the personal dependents of a lord living outside the range of the immunity escape his jurisdiction. Thus a second distinction must be taken, this time between lordship based on personal dependence on the one hand and on rights of jurisdiction on the other. Then between the close of the ninth century and the opening of the eleventh two forms of immunity occur, the one narrow, intense, exclusive, the other broad, vague, and incomplete. The second of these drops away, and in the course of the eleventh and twelfth centuries the term immunity is applied only to the first of them.

The novelty of this exposition consists chiefly in three points: first, the coördination of the immunity with other organs of public jurisdiction in the ninth century; second, the rejection of the generally received view of the steady progress of the immunist's jurisdiction from the minor order in the Frank period to the higher in the tenth century; third, the contention that the immunities of the tenth and eleventh centuries, differing widely among themselves, cannot be regarded as forming a constant or uniform institution. Thus those who dispute about the effect of lordship and immunity on territorial and municipal development in Germany will often be found maintaining different views by arguments drawn from different aspects of the same institution.

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In a concluding chapter on manorial law Professor Seeliger rejects the prevailing theory of a general depression of freemen into predial serfdom in the post Carolingian period followed in the twelfth and thirteenth centuries by a general emancipation owing to the increased value of land. He contends that personal freedom was not lost in a wholesale fashion in the earlier period, and that the view which regards manorial law as the law of status, imposing that status upon those who, in any relation, were subject to it, is erroneous.

A wise and temperate passage from Professor Seeliger's concluding paragraph may here be quoted as characteristic of the spirit and aim of his investigation:

Unsere Betrachtung will durchaus nicht die politische und soziale Bedeutung der Grundherrschaft schlechthin leugnen, will nicht an Stelle der übertriebenen Wertschätzung eine gleich fehlerhafte Unterschätzung setzen Ausdrücklich soll vielmehr anerkannt sein, dass die materiellen Verhältnisse stets die sozialen und politischen mächtig beeinflussten, dass wirtschaftliche Kraft soziales und politisches Übergewicht, wirtschaftliche Schwäche Minderung des sozialen und politischen Einflusses bewirkt habe. Aber für überaus bedenklich halten wir es, die sozialen und politischen Bildungen einfach aus wirtschaftlichen Wandlungen ableiten zu wollen.

The righteous will consider this and rejoice.

GAILLARD THOMAS LAPSLEY.

John Lackland. By KATE NORGATE. (New York: The Macmillan Company. 1902. Pp. 302.)

THE first thought with which one opens Miss Norgate's history of the reign of John is almost inevitably of comparison with her *England under the Angevin Kings*, of which it is really a continuation. *John Lackland* stands in considerable contrast to the earlier work. The difference of style is noticeable at once. The later book is less picturesque, deals less in description, and has fewer touches of life and color, but it gains some compensation in seeming a more sober and businesslike study. It is implied that the author still regards John Richard Green as master and guide, but Green's influence is manifestly less, not on style alone, but on the general view and on the choice and interpretation of the facts. The impression of greater maturity and steadiness which the style makes is deepened by a critical examination of details. Scientifically it is a better piece of work than the *Angevin Kings*. Especially is there much less of what is too frequent in the first book — a mingling together in the same account of what Miss Norgate drew directly from the sources and of her own explanations and inferences in such a way that it is impossible to distinguish between them without reference to the texts, and one gets the impression that she found in Benedict or Wendover what she only believes they intended to imply.

The book is an account of the political history of John's reign in greater detail than we have had before. It does not add to our knowl-

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edge anything of first importance. Much space is given, and well given, to the affairs of Ireland; and the four maps of the island at different dates from 1175 to 1210 are very useful. From the beginning of the trouble with the Pope, Miss Norgate makes greater use of the letters of Innocent than has been usual with English historians, and the same is true of the Patent, Close, and Charter Rolls in the period of the conflict with the barons. The result is the bringing out of points of detail not before stated, especially in the period after the battle of Bouvines, but these concern, I believe, no question of great importance. The author's attitude to the barons in their struggle with the King after the signing of the charter is distinctly unfavorable. She evidently does not believe in their sincerity or in their willingness to grant the King fair play. In regard to John himself, the author quotes Green's rather high estimate of his capacities as a kind of motto of the book, but her account of his life does not strengthen the argument in favor of that opinion. Her own estimate of him and of the other personages of the period is evidence of sober and careful judgment well grounded on the original authorities.

The great weakness of the book is on the constitutional side. Miss Norgate seems herself to have no feeling of the tremendous change, slowly prepared, which begins to find expression in the reign of John — the transformation of a feudal monarchy which in the end gives England so unique a constitution, or if she does, she does not convey the impression of it to her reader. Perhaps the criticism is unfair. We should remember that the book is primarily a political, not a constitutional history. It is only because these two sides were so closely interwoven in this reign, and the direct results of the political situation were of such immense importance in the constitutional, that we feel any sense of disappointment.

In regard to the trial of John by the French King's court before the loss of Normandy, Miss Norgate holds to the view expressed in her paper on the subject in the *Transactions of the Royal Historical Society*, Vol. XIV., that he was not tried at all, not for the murder of Arthur and not on the appeal of the barons of Poitou. This must, I think, be regarded as certainly a wrong interpretation of the facts. It is true that we have in only one contemporary chronicler a direct statement that such a trial took place, but this is surely one of those occasions when the situation of things itself gives full support to an assertion otherwise unsupported. Of errors of a more positive sort there are few of any importance. The most serious one noted — the misinterpretation of the passage from Walter of Coventry, II. 218, in regard to John's demand of an oath of fealty from his subjects "against all men," adding also the unaccustomed clause "against the charter," which she took to mean that the demand of fealty against all men was itself supposed to be contrary to the charter, — has no doubt been repeatedly called to Miss Norgate's attention. That it should have escaped her own revisions seems unaccountable.

In conclusion we have to thank Miss Norgate for a scholarly account of this important reign on its political side, giving us new glimpses into

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its details and emphasizing the value of a thorough study of its documentary sources.

GEORGE B. ADAMS.

The Destruction of the Greek Empire and the Story of the Capture of Constantinople by the Turks. By EDWIN PEARS. (London: Longmans, Green, and Company. 1903. Pp. xxiv, 476.)

THIS is a continuation of *The Fall of Constantinople: being the Story of the Fourth Crusade* by the same author. The narrative begins with a brief account of the Latin Empire, 1204–1261. The second chapter describes the difficulties in reconstructing the Greek Empire. Mr. Pears makes it clear that the Western rulers by their attempts to restore the Latin Empire hindered the development of a strong empire and facilitated the entrance of the Turks into Europe. In Chapters 4, 6, and 9 are traced the dynastic struggles and the political history from 1320 to 1452. Chapter 8 deals with the causes of the decay of the Empire, namely the weakness resulting from sixty years of rule by the Latins, the constant attacks of the Turks, and the depopulation caused by the Black Death. Chapters 3, 5, and 7 are devoted to the history of the Turks from their entrance into Asia Minor until 1451. Chapter 10 describes the preparation for the siege by both Christians and Turks, and Chapters 11 to 17 — the best portion of the work — depict with remarkable fidelity the siege and capture. Chapter 18 deals chiefly with the character of Mahomet II., and Chapter 19 with the influence of the disintegration and fall of the Empire on the Renaissance in western Europe. Chapter 20 attempts a summary of the results. There are three topographical appendixes, and one on the influence of religion on Greeks and Moslems respectively. The book is published in attractive form, and is supplied with four illustrations, three maps, and an adequate analytical index.

Since Gibbon wrote his brilliant description of the fall of Constantinople, a large amount of new material has been brought to light, and Pears is the first English writer to use this material. Gibbon deplored the inadequacy of the sources of his information, and especially the lack of Turkish accounts of the siege. Pears's summary of the sources now available that were unknown to Gibbon includes seven valuable accounts by eye-witnesses, namely Critobulus, a Greek officer in the service of Mahomet, the podestà of Pera, just across from Constantinople, the superior of the Franciscan friars at Galata, and four Italians.

In addition, there are eleven other less important sources, including three Turkish, two Slavonic, and one Armenian account. In contrast with this, Gibbon used the writings of only three eye-witnesses and four less important sources. It is evident from this enumeration that Pears is able to supply a wealth of detail impossible to Gibbon, and that his sources are sufficiently numerous to furnish an accurate account, which may be corrected in minor points but is not likely to be altered essentially by the discovery of additional sources.

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When we turn to the execution of the work, the verdict must be on the whole favorable. Pears understands and makes clear the importance of the religious questions at issue in the Greek Empire. He criticizes Gibbon justly for the latter's inability to grasp the real meaning of the struggles for and against union with the Western church. This is of course due to Gibbon's whole attitude towards religious matters. In Pears's book the obstinate devotion to their faith, which characterized the Greeks, is depicted, with both its good and evil consequences. In the matter of topography Pears is thoroughly at home, and is inclined to be conservative. Long residence at Constantinople and careful study have fitted him to speak with authority. In using his sources he has been very diligent, even more so than would appear from a cursory examination of the authorities which he cites in his notes. On the other hand, his style is far removed from the brilliancy of Gibbon. In some places his conscientious narrative is dull reading. When he reaches the siege, the interest increases, but one still feels the absence of the master hand with the dramatic instinct. We fail to realize that we are viewing the disastrous end of the greatest empire the world has known.

Some minor criticisms may be added. His work is not well articulated; his chapters do not always form logical unities. It would be possible, in some instances, to add a few pages from one to the preceding or to the following chapter with equal fitness. Some lapses in historical criticism are noticeable. In the preface he says: "Even in the case of Sir John Maundeville, I have quoted him without hinting that a doubt of his very existence has been uttered. Whether he lived and was or was not a traveller, or whether his book was, as has been suggested, a kind of mediæval Murray's Guide, does not in the least affect the statements which I have reproduced from it." Yet on page 54 he writes, "Maundeville, who visited Palestine in 1322"; on page 55, "Maundeville in Syria met Christians from Prester John's country"; and he has equally positive statements about Maundeville in other places.

There is a confusion of dates: on page 36 he attributes the Sicilian Vespers to March, 1282; on page 41, to 1283. This may be due to careless proof-reading; but the same can hardly be said of the statement, "In 1258, the year before the recapture of Constantinople and the destruction of the Latin Empire by the Greeks" (p. 53).

His account of the early history of the Turks is inaccurate. On page 97 he has a curious note: "This was in 1097, when, on the invitation of Godfrey de Bouillon, Alexis had reached the city on its water side by taking his boats, in part at least, overland from the Gulf of Moudania to the lake. The object of Godfrey was to prevent the Crusaders' being exposed to the demoralisation of plundering a hostile city." He evidently believed (wrongly) that Godfrey was the leader of the Crusaders. His explanation of Godfrey's object is ludicrous to one who is familiar with the motives of the leaders of the First Crusade.

But these errors can easily be corrected in a second edition; to push them farther would be unjust; for this book is a real contribution to

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historical knowledge, and will probably long remain a standard account of the capture of Constantinople.

D. C. MUNRO.

A History of Modern Europe. By MERRICK WHITCOMB. [Twentieth Century Text-books.] (New York: D. Appleton and Company. 1903. Pp. xii, 361.)

THE author of this work states in his preface that it differs from the majority of school histories in laying greater emphasis upon the contemporary period. Accordingly considerably more than half the book is devoted to the French Revolution and the nineteenth century. The development of the modern nations out of the chaotic material of the middle ages is but briefly sketched, but, as regards the main political elements, is probably sufficiently clear for the purposes of this work.

The chapters on the Renaissance and the Reformation, probably the best in the book, are analytic and descriptive much more than narrative — analytic of movements, forces, and conditions, of causes and results. In considerable measure this is characteristic of the work as a whole. Dates are somewhat less numerous than in most school histories, but there are several places where the inclusion of a date in text or margin could have prevented confusion. Similarly, the use of such terms as "13th Vendemiaire" and "18 Brumaire" without a word of explanation until the pupil stumbles upon a partially explanatory note some pages farther on, and even then not to learn to what dates in our system these Revolutionary dates correspond, is not commendable.

The principal causes of the French Revolution are set forth with considerable clearness, and the progress of the Revolution interestingly though rapidly presented. Of wars and campaigns little is said; it is to political values that attention is chiefly called. It was probably not in the plan of the book to treat the history of England except incidentally; at any rate we find only a few sentences on the English Reformation, a few pages on the English Revolution of the seventeenth century, nothing on the eighteenth century, and a short chapter on the reforms of the nineteenth century, including some account of England's colonial possessions.

It is unfortunate that the interesting government of Germany should be dismissed with so unsatisfactory a statement as the following: "Her political organization differs from that of the states of Western Europe. The Emperor is an autocrat; his will constitutes the policy of the nation; no real parliamentary government exists" (p. 218). The few sentences regarding the formation of the Empire after the Franco-Prussian War, together with the characterization of it, will give a student not merely an inadequate, but a very erroneous conception of what the German Empire really is.

There is a good account of the race-problem in Austria-Hungary. The history ends practically with the formation of the dual monarchy. The history of Germany and Italy, likewise, ends with the completion of

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union in each case. There are portraits of Wilhelm II. and Victor Emmanuel III., but no reference to them in the text. For France the account includes the constitution of 1875 with a few references to later events. The chapters on "Africa" and "The Far East" are all that could be asked for in a book of this character. The text ends with a chapter on "Material Progress."

A prominent feature of the book is a so-called "Source Review" at the end of each section into which the chapters are divided. This consists in extracts partly from the sources, partly from standard histories, partly from less important works. Considered from the point of view of interest, the selections are generally well chosen. This feature will commend the book to many teachers who are unable for want of time or for other reasons to use distinctive source-books. On the other hand, many would prefer that the space thus occupied had been utilized for fuller historical treatment, leaving the matter of supplementary reading to their own devices. At the end of each section there is also a brief list of references. It is to be regretted that for the nineteenth century the references are almost solely to Judson and Alison Phillips. Brief genealogical tables are interspersed through the book, and a chronological summary of important events arranged in parallel columns by principal countries is appended. There are numerous illustrations and a few small maps.

Such defects as have been pointed out are mainly defects of omission. Upon the whole, it must be said, the history of modern times is attractively told. As a rule there is clearness as well as an admirable conciseness. The author is usually accurate and fair, though oftentimes frank in the expression of his opinions. With a live teacher to read between the lines (and translate), this history will make a good working text-book.

EDMUND C. BURNETT.

Isabella d'Este, Marchioness of Mantua. A Study of the Renaissance. By JULIA CARTWRIGHT (Mrs. Ady). (New York: E. P. Dutton and Company, 1903. Two vols., pp. xxiii, 392; xiii, 419.)

AFTER the popes, artists, soldiers, and despots of the Italian Renaissance have been weighed in the scales of the modern scholar and investigator, it is plainly the turn of the women of that astonishing period. Beatrice and Isabella d'Este, Vittoria Colonna, Elisabetta Gonzaga — to name only a few of the fair sisterhood — are certainly a resplendent company. On other grounds than those of mere politeness they might complain that they have been kept waiting over-long. But the stolid heart of learning is at last yielding to their charm. A generation ago they attracted the powerful pen of Gregorovius to their cause and service. His *Lucrezia Borgia* is not only a remarkable portrait, but also a rich fund of contemporary information. The reader seizes the Renaissance afresh from a single and highly individual point of view. Pasolini has done something of the same sort for Caterina Sforza, and now Julia Cartwright comes forward with Isabella d'Este. Without aiming at a final biography, she hopes, she tells us in her preface, to arouse and hold our interest.

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This modest purpose she has certainly fulfilled. By the graphic means of presenting excerpts from her correspondence, she has exhibited the fair Isabella in relation with all the world, with statesmen, preachers, painters, poets, and what in the case of a woman is most revealing, with other women, both friends and rivals, and thus has done justice to the many facets which this brilliant princess flashed upon her age. The many-sidedness of the Renaissance character ceaselessly arouses our wonder. Isabella was the true child of her age in this respect, but though she rose and fell mercurially to every change of temperature in her environment, she had, in spite of her fluidity, a curious gravity and firmness. She looked well to the ways of her household, was a blameless wife and mother. Such a character, mixed of such elements, was sure to catch the eye of the student of the Renaissance, in proof whereof witness the sketches of Baschet, Yriarte, Gregorovius. This is the first life — really a notable success as far as it goes. Only Messrs. Luzio and Renier, who have been associated for years in the state archives of Mantua, and who have already won our admiration for their publications on the house of Gonzaga, can go farther, and add the last stone to the edifice by giving us a complete, or at least a reasonably complete edition of the admired *marchesa's* correspondence.

And yet the work does not take rank with the great biographies of the period, with, say, Villari's *Savonarola*, or Emerton's *Erasmus*, or the aforementioned *Lucrezia Borgia* of Gregorovius. Perhaps the fault lies with the confusion produced by a too strict adherence to the chronological method, perhaps the author has a less firm mastery of her subject. Certain it is that, in spite of a very diligent absorption of all published materials, and a profound sympathy with the whole period, she has not given us a work carrying the conviction with it of the best productions, with which she must compete. In part, however, the trouble lies with Isabella herself. She has vivacity, she has charm, the Renaissance springs and blossoms around her, but she is not a great storm-center, over whose changes and crises the spectator involuntarily suspends his breath. Isabella's life unfolds itself chiefly in palace and garden, and it may be that, apart from the work of pure scholarship, which may some day be prepared by Luzio and Renier, the most satisfactory presentation of this princess would be of somewhat less ambitious proportions than Miss Cartwright's life. A contemporary poet calls her *la prima donna del mondo*, meaning, doubtless, the most splendid princess of her age. By excisions, compressions, and vitalization here and there, the author could, without going beyond the material within her covers, give us a powerful and lasting portrait of her heroine in what we may agree with her poet and flatterer to be her essential historical rôle.

FERDINAND SCHWILL.

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The Philippine Islands, 1493–1898. Edited by EMMA HELEN BLAIR and JAMES A. ROBERTSON. Vol. VI., 1583–1588. (Cleveland: The Arthur H. Clark Company. 1903. Pp. 326.)

THE latest volume of the Philippine documentary series, covering the years 1583–1588, leaves us still in the conquest period, but Spain's history in the islands already begins to acquire a greater complexity and richness of interest for the student. In one way or another, most of the twenty-odd documents presented in Volume VI. touch upon the economics of Spain's new venture in the Orient; so what we lose in the picturesqueness of the tales of the *conquistadores* of the first twenty years is fully made up by the more intimate view the reader may begin to acquire of historical causes and subcauses at work over a broader field.

For such as like to indulge somewhat this wider play of the imagination, the seventy pages given in this volume to extracts from Friar Mendoza's *Historia del gran reyno de China* (Madrid, 1586), showing the knowledge obtained of it by the friars who approached it from the Philippines, will have especial interest. The partition of China is a current topic which consumes some few columns in the newspapers every day; but it is not much newer as a topic than are the direct relations of Europe with Cathay. In a memorial to the Council of the Indies from a "General Junta" of citizens of Manila in 1586, quoted in full in this volume, some thirty pages are devoted to the details of a plan for the conquest of China, upon which Philip II. is asked to enter. It is a most alluring and feasible project, as seen through the colored spectacles of the seven or eight hundred Spaniards then resident in Manila. The King should send out some twelve thousand troops from Spain, and they at Manila would secure four or five thousand allies from Japan and enlist five thousand or more Filipinos, wherewith the conquest would be most simple and easy. "Apart from the corruption of sin, depravity, wickedness, and inveterate customs," the Chinese are pronounced to be incredibly "kind, honorable, content, gentle, pleasant, tractable, and easily governed." Besides the millions of souls to be brought to Christ, there will be five galleons of trade a year in silks, damasks, and jewels; and many counts, dukes, and marquises of China can be created.

This memorial of the "General Junta" is, in the main, an exposition of the topheaviness of the new government of the King at Manila. In it the various estates represented, the civil authorities, the church, and the military, for the moment bury their personal jealousies and join in a compromise recommendation of reforms, sending to Madrid also a spokesman in the person of a Jesuit father, Alonso Sánchez. In the various letters accompanying or following this document, however, we get insight into the quarrels for place, both small and great, wrangles over precedence between the audiencia and the bishop, complaints of the military that the new civil officials are ruthlessly shoving to one side the men who conquered the islands, protests of the civil officials that the friars seek to escape the irksome missionary work of the Philippines for the more attractive field of China, etc. A document of 1584 shows an annual deficit for

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the government at Manila. The viceroy of Mexico says the Philippines have, up to 1586, cost the King of Spain 3,000,000 pesos, and that the wily Chinese are absorbing 300,000 pesos every year, money sent out from Spain and Mexico, returning products only for them.

An editorial announcement is made of the change of title in this work, to make it cover the history of the Philippines during the nineteenth century, stopping at 1898 instead of 1803. The editors have feared principally the difficulties in the way of handling the later periods in a manner acceptable to scholars, besides considering that material on the last century in the islands is more readily accessible. The change in plan is in response to a quite general demand, and emphasizes the especial value of this work for the general public — though one can hardly denominate a fifty-five-volume series of reprints a "popular" work. The almost total lack of acceptable material on Philippine history in English gives this undertaking an immediate value which in one sense handicaps the editors, in that it has set the press going before they could possibly digest the mass of Philippine documentary material, unedited as well as edited, which must be surveyed before authoritative work can be done. Critical scholarship cannot, for some time to come, have its final say as to Philippine history.

JAMES A. LE ROY.

Die Blutzeugen aus den Tagen der Titus Oates-Verschwörung (1678–1781). Ein Beitrag zur Kirchengeschichte Englands im 17. Jahrhundert. Von JOSEPH SPILLMAN, S.J. (Freiburg im Breisgau: Herderische Buchhandlung. 1901. Pp. xiii, 377.)

The Popish Plot. A Study in the History of the Reign of Charles II. By JOHN POLLOCK, Fellow of Trinity College, Cambridge. (London: Duckworth and Company. 1903. Pp. xix, 419.)

BURNET in his *History* gave a valuable but brief account of the Popish Plot. Since his time historians of the period, Echard, Ralph, Oldmixon, and Hume, in the eighteenth century, and Lingard, Hallam, Macaulay, and Ranke in the nineteenth, have devoted more or less space to the subject. The material, however, is vast, out of all proportion to anything that has hitherto been written. As to conclusions reached up to the appearance of the books at present under consideration, Burnet disbelieved in the actual plot, and not only Catholic historians, but also the generality of Protestant historians have adopted the same attitude. Writers of both parties have joined hands in denouncing Oates, Bedloe, Dangerfield, and the rest of the crew as impostors, have dwelt on the contradictions and falsehoods of the witnesses, the partiality of the judges and juries, and the innocence of the victims. Where they have parted company has been in seeking to explain the origin of the panic. Those of Catholic sympathies, while not in general misrepresenting the evident facts, have omitted to take into account the designs of the papist party in England, particularly the Jesuits, and their intrigues with Rome and France, and have represented the whole thing as a deliberate fabrication

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worked up by Shaftesbury and the country party, or Whigs, as they were soon called, to further their designs in breaking the order of succession and shattering the rival faith. Burnet's view is fairly typical of the opposing school. While he agreed that the Protestant party overreached itself in trying to prove a specific plot and was guilty of shedding innocent blood, he considers it quite clear that a conspiracy was on foot to change the established religion by foreign assistance. Ranke, from his unrivaled knowledge of contemporary public affairs, both in England and on the continent, was able to tell us a great deal about the political and diplomatic aspects of the plot. But, as a general historian, he painted with broad strokes; and a more special interest in the subject was needed, an intimate acquaintance with the composition and aims of English parties, and a thorough knowledge of the workings of English legal and administrative machinery, united with breadth of view and historic impartiality, to trace out the course of events in detail and group the results into a well-rounded whole.

Since the beginning of the twentieth century two monographs have been published. The first in point of time is by a German Jesuit, who, having already told the story of the English martyrs under Henry VIII. and Elizabeth, comes at length to deal with the third group, whose martyrdom in consequence of the "Titus-Oates plot" formed "den glorreichen Abschluss der blutigen Verfolgung, durch welche die anglikanische Kirche die katholische Religion in England vernichten wollte." His attitude is that of an extremist; he shows no evidence of having used any new material; and, furthermore, bases his account chiefly on the writings of those of his own faith. Rather slighting the political setting, he goes at considerable length into the charges of the informers, the careers of the accused, and the proceedings against them, not only in London, but throughout the country. Amusing instances of primitive superstition occur here and there, for instance, the account of the swelling of Charles's hand after he had signed the death-warrant of the five Jesuits (pp. 164–165) and the stories of the distressing fate of several of the informers. On the whole, however, the book is not without value, both for bringing together in a single volume material hitherto scattered in Foley's seven volumes of *Records of the English Province of the Society of Jesus*, Gillow's five-volume *Literary and Biographical History of the English Catholics*, and in less accessible works, as well as for the point of view it represents. Among other bits of information it is perhaps not generally known that by a decree of the Congregation of Rites, dated December 4, 1886, and confirmed by Leo XIII., the beatification of twenty-five victims of the plot was begun. The original list contained thirty-seven, but twelve were temporarily stricken off until more definite proofs of their martyrdom could be secured.

The second work under consideration, originally prepared as a thesis for a Cambridge fellowship, is a distinct contribution. Indeed, it is the first adequate study of the plot ever published. As to its plan and scope, Mr. Pollock informs us that when he began his study the late Lord Acton

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wrote him, "There are three quite unravelled mysteries: — what was going on between Coleman and Père La Chaize; how Oates get hold of the wrong story; and who killed Godfrey." He not only answers these questions more fully and satisfactorily than they have ever been answered before, but in addition throws new lights on the politics of the plot, and, by considering them in connection with the administrative and judicial system of the period, gives us for the first time a rational account of the trials of the accused.

The first book of the four into which the study is divided deals with the disclosures of Oates and the designs of the Roman Catholics. Much new material, as well as the findings of the most recent authorities who touch at any point on the questions involved, is examined, the evidence is carefully sifted, and conclusions cautiously drawn. The workings of the elementary machinery are sufficiently exposed to enable the reader to accept or reject the results as he sees fit. Oates is pictured as a liar and impostor from the start, and — contrary to Lingard, who regarded him as the agent of Tonge, and as instigated by him to join the Roman Catholics for the purpose of making disclosures — is given the full credit for his base fabrication. He apparently joined that faith of his own accord, undoubtedly with an eye to his own advantage, but not yet anticipating the form it subsequently took. Oates's *True and Exact Narrative* was got up in collusion with Tonge after Oates's return from St. Omer; but it is difficult to determine whether the connection between the two began before or after his residence there. In spite of Oates's mendacity, the historian is not justified in asserting that his whole story was a mere figment.

The Roman Catholics had founded great hopes on the accession of Charles, but when it became evident that they could expect nothing from him, they sought to effect their purposes through his brother. Coleman, first secretary of the Duke and then of the Duchess of York, became involved in a complicated series of intrigues, during the course of which he was actively negotiating with La Chaize, the confessor of Louis XIV., and with Albani, the papal nuncio at Brussels. At one stage of the proceedings we find him seeking money from abroad to turn the rank and file of the English Parliament against Charles in the interest of France and the Roman Catholic religion. Over two hundred of his letters have been preserved, and although their meaning in individual cases is obscure, their general design is pretty clear. For the three years from 1675 to 1678 they are especially vague and infrequent. On the whole, however, the testimony is sufficient to prove that Coleman, and those with whom he was associated, were aiming by the assistance of a foreign power to "extirpate the religion established in . . . [the] country"; and even if Coleman were not guilty of the specific charges brought against him at his trial, there was still legal ground for convicting him of treason. Moreover, there can be little question that the Duke of York was privy to his designs. Partly from the fragments of Coleman's later correspondence and partly from other sources, the author concludes that there was

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some sort of a scheme on foot in 1678, and that it was in some way directed against the King. A new and valuable bit of evidence is the death-bed confession of Lord Berkshire to one Colonel Scott. If Scott's story can be relied upon, and Mr. Pollock thinks it can, the government certainly were justified in committing Arundell, Bellasis, Powis, Stafford, and Petre. "According to the information which Lord Berkshire gave to Colonel Scott," to quote the conclusion of this part of the survey, "no harm was intended to the King, at least he knew of none. This may well have been, but at the same time it is necessary to remember that Charles was at the moment the greatest impediment to the chance of Catholic success. He was little older than his brother, and enjoyed far better health. As far as could be judged, he was by no means likely to be the first to die. He had definitely adopted a policy adverse to the Catholics. If he were to die, the charge of revolutionary dealing would lie at the door of those who should attempt to keep the Duke of York from the throne. So long as Charles lived, any attempt to restore the Roman Catholic religion in England, certainly any attempt made behind his back, would be a matter of high treason and against the interests of peace and established order. This much only can be said with safety, that the brothers hated each other, that the death of the King was talked in the Jesuit seminaries on the continent, and that James was not above tolerating, if he did not direct, an attempt to murder the husband of his daughter" (p. 69). In view of these facts, "Oates was not after all aiming shafts utterly at random. During his stay in the Jesuit seminaries in Spain and Flanders he must have obtained an inkling of what was in the air, and proceeded to act upon the information to his best advantage. That the whole truth had little resemblance to his tale of fire and massacre is certain, but the tale was not wholly devoid of truth. His vast superstructure of lies was not without a slight basis of solid fact" (p. 64).

While it was still uncertain whether Oates's wild stories would be accepted, Sir Edmund Berry Godfrey, the magistrate who took his depositions, was found dead on Primrose Hill. How he met his death is one of the great puzzles of history, and all sorts of conjectures have been hazarded. Following Gardiner's lead in dealing with the Gunpowder Plot, Mr. Pollock, after examining and testing all the facts, has tried one key after another until he has succeeded, to his satisfaction, in opening the lock. The conclusion at which he arrives after remarkably close and ingenious reasoning is that Godfrey must have learned from Coleman that the Jesuits had held their provincial meeting of April 24, 1678, not at the White Horse Tavern, as Oates had deposed, but at St. James's Palace, and that certain Jesuits — Le Fevre, Welch, and Pritchard — murdered the justice of the peace to prevent the possible disclosure of a secret that would have ruined the Duke of York and the party depending on him. Prance was involved. Bedloe got wind of the fact and accused him. To divert attention from the guilty parties Prance charged the crime on three men who were really innocent. In the opinion of the author, Green, Berry, and Hill were wrongfully put to death, although

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in view of the evidence presented at the trial the sentence of the court was justified. This explanation of Godfrey's murder fits the facts better than any hitherto advanced; nevertheless one must bear in mind that no certain proof exists of Coleman's imparting to Godfrey the secret in question.

The murder gave the Protestant opposition the very chance they wanted. We cannot enter here into the objects of the conflicting parties, so carefully treated by the author in his third book. While doing full justice to Shaftesbury's aims to advance "religious and political freedom and commercial enterprise," Mr. Pollock justly emphasizes the disreputable means by which he sought to achieve his purpose. He shatters with a final blow the view held by some hostile historians that Shaftesbury invented the plot, but he makes it evident, if any further proof were needed, that Shaftesbury welcomed Oates and turned the latter's disclosures to his own advantage. He even prompted the charges against the Queen in order to bring about a divorce and a Protestant marriage; and only when that scheme failed did he throw his support in favor of the Duke of Monmouth. The Green Ribbon Club, an organization founded in 1675, whose influence has not been adequately recognized, was very active in furthering Shaftesbury's political plans. In this part of the work great obligations are acknowledged to Sir George Sitwell's *First Whig*. Christie, Shaftesbury's classic biographer and apologist — to whom, by the way, Mr. Pollock never directly refers in his text — argues that the great opposition leader was as sincere as Russell in believing that a conspiracy existed against the King, the nation, and the Protestant religion. But he insults the intelligence of an extraordinarily able man if he means to imply that Shaftesbury believed Oates's absurd stories; and certainly Shaftesbury employed means discreditable even for that day to instigate and substantiate the specific disclosures of the informers.

In treating the actual trials the author points out certain considerations which, strangely enough, have never been taken into account in this connection. England, during at least eight reigns following the Reformation, was continually in an unsettled state, subject to attack from without, and to disturbance and even revolution from within; there was no standing army, no police system; and the responsibility for keeping order, for the detection and punishment of crime, was in the hands of the justices of the peace and the judges. In view of these facts, we can readily understand the attitude of the courts and judges, who took every possible means to secure the conviction of a prisoner suspected of disturbing the peace, or, still worse, of conspiracy against the government. Moreover, the extremely defective system of legal procedure prevailing in those days worked to the prejudice of the accused. All this is brought before the reader in great detail, fortified by ample illustrations from works like Stephen's *History of the Criminal Law in England*, and Gardiner's *History of England*, and from the *State Trials* themselves, to show that the case of the Popish Plot presents no ghastly anomaly in the judicial procedure of the time. Even the much-condemned Scroggs does

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not compare at all unfavorably, in point of fairness, with that stanch bulwark of the common law, Sir Edward Coke, for instance.

To sum up the results of Mr. Pollock's scholarly study: While emphasizing sufficiently the mendacity of the informers and the unscrupulous use that the party leaders made of their disclosures, he has shown us just what Protestants had to fear and why the panic was possible, and has estimated the trials of the accused in their true setting. Actual errors of fact or statement are remarkably few. Father Pollen, in a note to the *Athenæum* for July 18, points out that his attack on Gavan (p. 201) is not substantiated from the evidence cited, and that by unintentionally misreading a sentence he has confused the Jesuit father with the coachman of the imperial ambassador. Occasional slips in proof-reading occur. The reference to Pepys's *Diary* (p. 88) should be 1669 not 1699; Oates's second deposition consisted apparently of 81 not 83 articles (p. 90); Baron Flowerdue was raised to the bench in 1584 not 1684 (p. 277, note 3); and in the abstract of the penal laws the two dated 1603 and 1609 (pp. 402, 403) were passed in 1604 and 1610 respectively, although in each case Parliament met before the close of the former year, according to the old style.

ARTHUR LYON CROSS.

The Cambridge Modern History. Planned by the late LORD ACTON, LL.D., Regius Professor of Modern History. Edited by A. W. WARD, Litt.D., G. W. PROTHERO, Litt.D., and STANLEY LEATHES, M.A. Vol. VII. The United States. (London: Macmillan and Company; New York: The Macmillan Co. 1903. Pp. xxvii, 857.)

COMPOSITE histories, the work of various hands, are now a familiar type, of which every country has its examples. They are hard to review within reasonable bounds, for the work of the editors and of each of the writers demands separate consideration before one can arrive at a just judgment of the whole. The present volume contains twenty-three chapters, by thirteen different writers; little can be said in detail of each.

The work of the editors, which on the whole has been performed less satisfactorily than that of the contributors, deserves some indulgence on account of the difficulties which must have been occasioned by Lord Acton's illness and death, and the attendant confusion of plans; however, there was no compulsion to publish at a specified time. The task of the editors of such a book is, no doubt, to devise the chapters, fix their respective limits and lengths, select the writers, impart a common ideal of treatment, revise the texts, give uniformity and completeness to the bibliographies, and supply the index. The mechanical execution was already in good hands. Lord Acton's general plan for the volume was that, finding its place in his series near the end of the eighteenth century, it should recount the whole history of the English in America and of the United States from the beginning to the present time. This followed from his general principle of arrangement, that the history of each people

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should be taken up at the point at which it was drawn into the main stream of human progress as represented by the European nations. It results in giving to the volume a unity greater than will be possessed by most of the other volumes. Those parts of the history of Spanish America which should naturally precede have already been briefly treated by Mr. Payne in the first volume.

In general the scheme of chapters is well devised. The deviations from the chronological or usual arrangement are: that the history of the French in America to 1744 is separately treated; that between the chapter on the quarrel with Great Britain and that on the War of Independence a chapter entitled "The Declaration of Independence" is inserted, intended to review in a different manner the same period as that covered by its predecessor; that after the chapters on the Civil War come three others, on the naval operations, the North, and the South during the Civil War; and that at the end of the volume follow two chapters on the economic development of the United States and on the American intellect. There is exceedingly little duplication in the volume, and most matters that one would expect to find in chapters of this sort are dealt with, even if not always where one would expect to find them. There are, however, grave defects in respect to proportion. The formative colonial period is scanted (sixty-nine pages to the English, but forty-three more to the French). If thirty-four pages is enough for the Revolutionary War, and perhaps it is if a merely military treatment is satisfactory, twenty-three is too many for the events of the French and Indian War. Fifty-seven pages devoted to the Convention of 1787 and ninety to the whole period from that time to 1850 is a proportion impossible to defend. Finally, nearly a fourth of the book is given to the four years of the Civil War.

In the choice and securing of contributors the editors have done surprisingly well — in these days when nearly everybody is already engaged to at least two series. In some cases the writer is the best man that could be mentioned for the particular chapter; in nearly all he is one of the four or five one would first think of. Eight of the twenty-three chapters are written by Europeans. In this there is gain and loss, for American readers. European writers will not always see things from the point of view that is most useful to us. No American would give an account of the War of 1812 so purely professional that one would suppose that there was no politics in the United States from 1812 to 1816. They will not always call things by our names or know our geography. Mr. Doyle's indifference to the points of compass in America is not unknown from previous examples; he makes Burgoyne throw out a flanking party "to the north-east to act in Connecticut" (p. 215), and sends the Massachusetts expedition of 1779 "to attack the British settlement at Penobscot, on the coast of what is now New Brunswick" (p. 220). But what American writer would, on the whole, deal with the subjects of his four chapters — the first century of English colonization, the years from 1700 to 1763, the quarrel with Great Britain, and the War of Inde-

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pendence — at once so competently and with so much candor and catholicity of view.

The various chapters maintain, on the whole with quite sufficient uniformity, a common mode of treatment. The editorial revision of the texts has left some errors, but we have no space to speak of them, nor are they, in general, significant. The bibliography has not been printed with sufficient care. The reviewer has observed more than a hundred small errors in it. This is not creditable. The index seems to be good.

Turning now to the work of the individual writers, Mr. Doyle must be praised for the skill with which, within the excessively narrow limits assigned to him, he treats of the history of the colonies. He treats with noticeably more freshness and interest those parts on which he has not yet published *in extenso* elsewhere. His chapter on the quarrel with Great Britain is mostly confined to a record of events. Mr. M. M. Bigelow's chapter, which follows it, and to which the same chronological limits have been assigned, was apparently intended to supplement this record of the external course of the quarrel with a broad historical exposition of the disputed questions, their merits, and the general meaning of the strife. If so, the chapter must be a disappointment. It is a cloistered lawyer's scholastic discussion of the grievances, with constant and almost sole reference to the manner in which similar difficulties were adjusted in the Constitution of the United States a score of years later; a thing which, it is safe to say, few readers want. The same writer's chapter on the Constitution is of similar quality. It contains almost no information or suggestion on the sources and mutual relations of the provisions of that document. It is hardly more than a myopic summary of the debates in the Convention. In several cases more than a page is devoted to the epitome of a single speech. Meanwhile the Convention is left without background, neither Mr. Doyle nor Mr. Bigelow giving any adequate account of the civil history of the years from 1776 to 1789. Even the history of the struggle for the ratification of the Constitution is greatly scanted; and the chapter ends with the following extraordinary expression of judgment: "Every great undertaking has its master spirit; the master spirit of the Convention which framed the Constitution of the United States, and all that led to it, was Alexander Hamilton. There were other strong leaders . . . but Hamilton, present or absent, . . . was chief among them."

Professor McMaster's three chapters, covering the years from 1789 (indeed in a sense from 1783) to 1850, have his characteristic merits. Some important matters of a constitutional sort are omitted; for instance, the Virginia and Kentucky Resolutions go unmentioned. The sense of proportion is defective, and there are needless and probably confusing departures from chronological order. The writer values illustrative more than probative facts. His eye is for the picturesque rather than for the deeper realities; the acquisition of Louisiana is but an incident in the passing show. But his narrative is always vivacious and original. It has a seizing power. The reader cannot fail to hear in it the hum

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of American progress. President Wilson's chapter, which has for its subject the ten years preceding the Civil War, but goes back a good deal to pick up threads which Mr. McMaster has dropped, is deeper, and is indeed an admirable summary.

As has already been remarked, a great amount of space is given to the Civil War. There are three chapters on its military events by the late Mr. John G. Nicolay, one on its naval history by Mr. H. W. Wilson (who studiously avoids all names for the contestants but Northern and Southern), one on the North during the Civil War by Mr. Nicolay, and one on the South during the Civil War, an admirable summary of constitutional, financial, and economic facts, by Professor John C. Schwab. Mr. Nicolay's treatment of the events of the war is excellent. It is indeed the narrative of a participant, and of a friend and biographer of Lincoln. Somewhat too much space is given to minor incidents relating to Lincoln and especially to the closing incidents of the warfare. But great pains have evidently been taken, and with good effect, to be exact and perspicuous, to preserve proportion, and to keep the general aspects of the war in mind, amid all the military details. Not so much praise can be given to the chapter in which the same writer deals with the North during the war. Two-thirds of its pages are given to the processes of emancipation, while the taxes and the tariff are ignored, and diplomacy and party politics are slighted. The chapter is not at all a successful picture of the North in war-time, nor a well-rounded civil history of the period. Its tone, too, is not quite so fair as that of Mr. Nicolay's other chapters. Mr. T. C. Smith's chapter on the Reconstruction period, a model of summary statement, shows a tone strongly contrasting — the cooler tone of one to whom the war-time and the events succeeding it are purely matter of history. Professor J. B. Moore's chapter on "The United States as a World-Power (1885–1902)" has too much the character of a chronicle of incidents, not penetrating below the surface; but it is hard to avoid this fault in respect to years so recent. It is a well-informed chronicle; but it might be better proportioned. Five pages out of thirty-one are given to a history of the treaty of 1898; its results were important, its process not necessarily so. To this succeeds an excellent chapter on the economic development of the United States in the nineteenth century, by Professor H. C. Emery.

This chapter and that of Professor Barrett Wendell on the American intellect will perhaps give the reader more food for thought than any of the others. Composite histories cannot usually do much more than present acceptably the results of a generation of monographs; but here are two unhackneyed subjects on which it is possible even here to exhibit originality. We have had no lack of American literary history, to be sure; but not much effort has been made to relate the history of the American intellect to the history of American life. Mr. Wendell gives utterance to some hasty generalizations; indeed, to the present writer his fundamental thesis, that the American has always resembled the Elizabethan Englishman more than the contemporary Englishman has done,

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seems unsound. He appears not well acquainted with those varieties of American religion and philosophy, particularly outside of New England, which have not found expression in literature. But it is impossible not to admire his intelligence, his candor, his unconventional courage and pungency of expression. The recent course of American literature he leaves in large part unexplained. May we not say that the New England literature, which he rightly declares to be now substantially a closed body, flowed from a society which from 1820 to 1860 was practically a homogeneous nation; and that, until the American nation as a whole attains to something of the same homogeneous quality, we are not to expect an American literature which shall bear the same relation to it that the classical New England writings bore to the population from which they sprang? We must settle ourselves upon the lees of time. Walt Whitman is not the Messiah of the new dispensation, but rather a clamorous John Baptist, minus the humility, wearing with ostentation his raiment of camel's-hair, and eating his locusts and wild honey with theatrical gusto.

All things considered, no single volume of its size affords so good a history of the United States as this. It will not prove enormously popular; it has too little chauvinism, takes too largely the foreigner's or the Martian's point of view, to make that likely. Yet as it can be bought separately, and as there is a genuine need for a solid history of the United States of about this size, it should have a relatively large success with the public, as well as a cordial appreciation from scholars.

J. Franklin Jameson.

A History of the Mississippi Valley from its Discovery to the End of Foreign Domination. By John R. Spears, in collaboration with A. H. Clark. (New York: A. S. Clark. 1903. Pp. xxi, 416.)

A book of 140,000 words, abundantly illustrated, at first sight mechanically attractive, and bearing the name of a well-known writer, readily commands attention, the presumption being that where such effort has been made, the result should in some measure be commensurate. In the present case, we regret to say that disillusionment follows examination. It is difficult to say what were the respective parts taken by the two authors. In the preface and not infrequently in the text, the first person singular is used. Possibly the less-practised associate may have done the research work, leaving the narrative to Mr. Spears. From either point of view, however, the undertaking is on the whole painfully crude.

Never scholarly, the literary style is frequently either awkward or undignified. The subheadings to the chapters suggest the friendly assistance of the telegraph editor. There is a marked tendency to the use of extreme and somewhat sensational epithets and phrases, with the purpose, no doubt, of enlivening the text. For example — we have space for but one or two citations — we are told (p. 141) that the "forged statement"

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of the French at the Fort Necessity surrender "was [by them] published and screamed throughout all Europe"; on page 139 it had already been affirmed that their version of Jumonville's death "had been screamed into all the courts of Europe." On page 93 we are assured that "It would have afflicted an Indian with syncope had he moved swiftly enough to get ahead of the whites in breaking treaties." In essaying to give us a picture of aboriginal life in the valley, it is alleged (p. 93) that the savages burned and tortured captives "on the theory that 'hanging was too good' for certain offences" — neglecting to explain that hanging as a punishment was unknown among our Indians.

The French are attacked with a persistent bitterness which at last becomes amusing. They are accused (p. 139) in the wars with the English colonists of "slaughtering women and babies whom they dragged from their beds at night"; and a chapter subhead informs us that England's succeeding France in the valley meant that "The man with an axe supplants the vagabond with a sword." It is needless to point out that such an unjudicial temper is not becoming to an historian.

It might be possible to excuse crudity of style, sensationalism, overstatement, inadequacy of treatment, and even an uncritical temperament, were one assured that the volume contained fresh information. But such we have vainly sought within these covers. With insufficient advance knowledge of the field, the authors appear to have hurriedly "crammed" for their task, chiefly from the *Jesuit Relations*, Parkman, and Roosevelt, with a superficial glance at some other authorities. With all of these their acquaintance is evidently slight, for in citations they not infrequently misspell or otherwise mistake names, *e. g.*, "the Rev. Mr. Parkman" (p. 142), and "Dodridge" for Doddridge (p. 232 *et seq.*). Lack of knowledge of recent monographic treatment leads them into accepting as verities such apocrypha as the Jeffersonized version of Chief Logan's speech (p. 222), and the pretty tale of George Rogers Clark's penetrating alone to the Kaskaskia ball-room (pp. 270, 271). Boone and Robertson are classed as "Yankee pioneers" (p. 6). In Chapter V., devoted to the Indians, there is a failure to distinguish between the tribesmen of the plains and those dwelling to the east of the Mississippi, thereby leading to the same confusion in the mind of the reader as possibly existed in that of the writer.

The volume exhibits the lack of practised editorial treatment. The punctuation is curiously faulty. The proof-reader nods when he allows proper names to appear under several guises, *e. g.*, St. Josephs River being sometimes given as St. Joseph's, and elsewhere as St. Joseph; and the Shawnees occasionally appear as Shawanees (although neither version is given in the index). The antipathy of the authors to the French is possibly the cause of the entire omission of French accents in proper names. In compelling all chapters to commence on the right-hand page, the left-hand page is sometimes blank — an uncouth arrangement. There are no running heads for the several chapters. No foot-notes are given, the authors working all credits into the text — an awkward method,

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which enables only the surname to be given, thus giving slight intimation of the literature of the subject, in the case of little-known authorities. The illustrations are numerous, and some of them excellent, particularly the head-cuts to chapters; but the full-page pictures are often merely fanciful, while the presence of some of the well-executed portraits can be justified only by chance allusions in the text.

Mechanically, the index presents a good appearance; but a slight examination reveals serious errors both of omission and commission, and in general all the crudities characteristic of the volume. We can here mention but a few examples: Green Bay is credited to Michigan, and is given but two citations; but we find it mentioned in at least a half-dozen other places in the text. Hennepin is awarded but one citation; we have found him, nevertheless, on at least two other pages. The same is the case with Langlade and many other characters in the story. For a long account in the text, there is given but the first page in the stretch; and a familiar method is merely to cite the chapter in which a statement occurs. Many names and events mentioned in the text are here ignored. This is a lazy man's index-making, and closely approaches the methods sometimes met with in our federal documents.

In the absence of any other one book upon the market which covers this broad field in such detail as the Spears-Clark history, it will temporarily meet a certain need; but so crude a piece of work cannot become a standard.

R. G. THWAITES.

The Bernards of Abington and Nether Winchendon. A Family History. By MRS. NAPIER HIGGINS. (New York: Longmans, Green, and Company. 1903. Two vols., pp. x, 348; viii, 364.)

THE last scion of the last known branch of these Bernards has felt called upon to publish this record of the family. Owing to the destruction and loss of documents, Mrs. Higgins has found the writing of the history laborious, but notwithstanding this she has succeeded by diligent industry, with the aid of various publications available for laborers in this field, in compiling two volumes on her chosen topic, and promises those who are interested in her work to follow these with two others for which the materials at her command are more ample. To the general reader, the story of the career of the Bernards, whether conjectural or supported by authentic records, is of little interest. What concerns us is that Sir Francis Bernard, the whilom governor of the province of Massachusetts Bay, traced his descent from one of the lines of this family, and that after the reader reaches the middle of the first volume he is practically dealing with a life of the governor.

Bernard came to America in 1758, bringing with him his wife and four of his eight children. For two uneventful years he governed the province of New Jersey, during which time his family was increased by two American-born children. He showed some tact during this period in his dealings with the natives, and considerable judgment in his treat-

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ment of the Quakers, who at that time formed a powerful and respectable body in the province of New Jersey. In August, 1760, Bernard assumed the government of the province of Massachusetts Bay. Quebec had fallen the year before. French rule in Canada was then breathing its last at Montreal. Thereafter British loyalty was not to be stimulated by appeals for men to capture Louisburg, to defend Crown Point, or to lay siege to Fort Frontenac. With the assurance of British domination in Nova Scotia and Canada came a respite to the chronic fears of attack from the Indians of the northeast. Thus relieved from the pressure of patriotism evoked by martial calls, the great political questions which had ever been present in colonial affairs, whether consciously or unconsciously, began once more to assert themselves. Not at first aggressively, nor in the early days of the governor's administration in such a way as seriously to disturb the harmony which existed within the government. For four years, indeed, Bernard escaped anything more than mere friction; and the assurance which had been made to him when he entered upon the government "that he might depend upon a quiet and easy administration" seemed still to be within reach of possible realization.

Then came the troubles brought about by the change of attitude of the English government through its great need for money; the enforcement of obnoxious imports; the attempt to collect revenue through a Stamp Act; the consequent outbreaks in Boston, and the wanton destruction of property owned by obnoxious individuals; the landing of troops there; the repeal of the Stamp Act; and the substitution of the Townshend taxes. During this period the relations of the governor, the representative of law and order and the upholder of royal prerogative, with the assembly which for a time refused compensation to the sufferers through these riotous proceedings, became strained to the utmost extent; and Bernard, who on arrival was welcomed with enthusiasm, found himself in the midst of a people who held him in personal disfavor. For the first time in the history of the province, the council was openly opposed to the governor. The assembly even went so far as to petition for his removal. Spurned by the people of Boston, he found no consolation in turning to the commissioners whom he had not been able to protect, or to the naval officers who had come to Boston to protect him. Commodore Hood, indeed, openly charged him with timidity and wrote contemptuously of his administration of affairs.

Under such circumstances, one who writes a life of the person who has thus lost his popularity will feel called upon to ask what was his agency in producing this state of affairs, and will endeavor to show how far a cultivated, amiable, and well-meaning gentleman like Bernard, whose delight it was to hear his daughter play upon the harpsichord; who found recreation in composing Greek and Latin odes; and who evidently earnestly wished for the prosperity and happiness of his people, was personally accountable for this change of opinion, and how far it was due to events absolutely beyond his control.

Without undertaking to sustain Mrs. Higgins in the attitude which

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she assumes upon some of the political questions of the day, it will be readily admitted that most, if not all, of the obloquy which was heaped upon Bernard by contemporary Americans and by the early American historians was unmerited. It was his misfortune in consequence of his official duties to be the target towards which abuse was directed. We appreciate now that the conversion of a mercantile venture with its headquarters in London, whose sole original purpose was to line the pockets of its stock-holders, into a detached government having control over a large and prosperous population with new and individual interests and legislating for a people absolutely without thought of return to the mother-country, carried with it inevitable conflict as to the jurisdiction of the lawmaking bodies on either side the Atlantic. There was no precedent by which this question could be settled, and there was no probability of a peaceable solution for it, a fact not at that time appreciated. From the days of the quo warranto in 1635 down to the Declaration of Independence, except possibly in the time of the Commonwealth, the conflict was chronic. Leaders turned up in the province opportunely. Elisha Cooke, "the Oliver Cromwell of New England," who sought to save from the shipwreck of the Old Charter some of the liberties embodied in it, passed on his power to his son of the same name; and Samuel Adams worked along lines devised by his predecessors. Had there been no Cookes and no Adamses, others would have filled their places. Had it not been Bernard, then some other representative of the Crown and supporter of prerogative would have been the object of special detestation of the Massachusetts people when the crisis came. The conflict with all its concomitants was irrepressible, and the bitter feelings and hard words which accompanied it were inevitable.

A generalization of this sort would not suffice for the writer of a family history by way of apology or explanation for the unpopularity of the hero. We need not be surprised therefore to find that Mrs. Higgins turns to such sources of information as she has at command for aid in solving these questions. Original papers of the period she has not. Moreover she is not specially equipped for her purposes by familiar knowledge with provincial history or with life in Boston. On this latter point, the manuscript reminiscences of one of the family, then too young to comprehend what she saw, throw a feeble light. Except for this, the composite account which she gives of Bernard's career, with occasional sketches of the leaders of the loyal and patriot forces in Boston, is made up from publications dealing with the subjects. Lecky is the political authority upon whom she relies during the earlier stages of the conflict. Belsham's *George the Third* is freely quoted later on. Rees's *Cyclopædia* is turned to for statistical and geographical information. The *Memorial History of Boston* furnishes the necessary topographical and social details. Hutchinson, Chalmers, Bancroft, and Sabine all contribute their quotas, and the diaries of Hutchinson and John Adams are freely used. Even the weird fancies of Hawthorne are allowed their swing, when the old Province House is described. No one work is perhaps

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more fully relied upon for sketches of the patriots than Hosmer's *Samuel Adams*.

The mosaic account thus furnished is skilfully constructed and, although the author is somewhat hampered by her relation to the subject, it may be said to be fairly done, the exceptions she takes to some of the language used by Bancroft being justifiable and her own conclusions being without undue prejudice. The value of the account is greatly increased by copious quotations from a life of Sir Francis Bernard, written by his son Thomas, and privately printed in 1790. No copy of this work has found its way into our libraries, and it consequently escapes mention by Sabin. The writer, Thomas Bernard, was summoned by his father from Harvard College to assume the duties of his private secretary. Thus at the age of sixteen he was placed in a position where he would be impressed by the course of events. In later life he acquired great distinction by his philanthropic writings and work, and even as a young man he keenly appreciated the opportunity furnished the poor man in the province through the absence of an aristocracy. The value of the numerous quotations from this hitherto unknown work will be readily appreciated, and all will unite in regrets that the book was not reprinted in its entirety.

Of Bernard's own publications his *Select Letters* are freely used. So also his *Principles of Law and Polity applied to the American Colonies*, an ill-advised attempt to reform the colonial governments which aided greatly in bringing him into discredit in Boston, written in 1764 and published with *Select Letters*, etc. Three pamphlets containing Bernard's letters were contemporaneously published by his opponents. One of these, *Letters to the Ministry*, etc., is cited.

It is perhaps proper to state in this connection that still another political pamphlet, published in 1774, *The Causes of the Present Distractions in America*, etc., is attributed by Sabin to Sir Francis Bernard. Believing as I do, that it was not written by Bernard, I do not take exceptions to the fact that the author does not allude to it. I cannot, however, pass by the omission to examine Bernard's official correspondence on file in the Record Office. What if the thirteen volumes purchased by Sparks were in the library of Harvard College, and were inaccessible to her? It did not require that she should cross the Atlantic to examine the copies preserved by Bernard, when by going down Fetter or Chancery Lane she could see the originals, or at any rate most of them. This neglect reveals the great defect of these volumes. Mrs. Higgins has been too self-reliant. Industrious, skilful, animated by the best of intentions, and the mistress of considerable literary ability, she could have made her life of Bernard a standard authority if she had taken the advice of some competent historical worker, and used the resources within her reach with greater discrimination. It would hardly be fair to hold her to invariable accuracy in the quotations which she makes from authors upon whom she relies. There is one statement, however, in a paragraph relative to the laws of the province taken from Thomas Bernard's life of his father, which can-

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not be passed by without protest. He says "under the Theocracy the violation of the Sabbath was high-treason and was avenged by death." Sir Thomas unquestionably meant to be truthful. The account of the laws of the province and the operations of the government quoted from his work is as a whole intelligent and accurate. It is important, therefore, to note this exception, which can doubtless be traced to Cotton's proposed *Abstract of the Lawes of New England.*

ANDREW MCFARLAND DAVIS.

Leaders of Public Opinion in Ireland. By WILLIAM EDWARD HARTPOLE LECKY. (New York and London: Longmans, Green, and Company. 1903. Pp. xxi, 321; x, 358.)

THIS work in its original form, as we learn from the preface of the new revision, was first published anonymously in 1861, when the author was but twenty-two years old. The work was a failure on the market, only about thirty copies being sold. In 1871 the author republished his biographies over his own name, with an introduction on Irish affairs. This edition, coming in the midst of the exciting discussions on the Irish question that followed the Fenian outbreak of 1867, the Irish Land Act, and the disestablishment and disendowment of the Irish church in 1870, attracted more attention; but the volume received but little attention from the reading public until the conversion of Mr. Gladstone to Home Rule a few years later. Mr. Gladstone appealed to Mr. Lecky's work as a justification of his policy. He made political use of Mr. Lecky's contention that a distinct national feeling lay at the base of Irish discontent; that no government "will ever permanently command the affection and loyalty of the Irish people which is not in some degree national, which is not administered in a great measure by Irishmen and through Irish institutions." But Mr. Lecky was by no means a believer in Gladstone's Home Rule policy. Because he had condemned the Union of 1800 it did not follow that he favored its repeal in 1880. He held that a Parliament like that of 1800, representing the loyalty and landed property of the island, was quite unlike one representing an extreme democracy, or the Irish Land League, which was "certain to be guided by men who had long made it their task to stimulate in every form the most passionate hatred of the British Empire and who would probably begin their legislation by the plunder of the very classes of which Grattan's Parliament mainly consisted."

In his Irish policy Mr. Lecky favored giving Ireland "the greatest amount of self-government that is compatible with the unity and security of the Empire." He was stoutly opposed to the Irish Nationalists and their programme, and he therefore rejected the creation of a dependent Irish Parliament; much more would he oppose the creation of an independent one. He favored the enlargement of local government for Ireland, "directed by the loyal and property classes." But he held that the danger of an independent or subordinate Parliament, which seemed great in 1871, had become incomparably greater at the time of

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Mr. Gladstone's proposals, "since the direction of Irish politics," as Mr. Lecky expresses it, "has passed into the hands of men who have proved their disloyalty to the Crown and their hatred of the Empire."

The party use made by Mr. Gladstone and the Home Rulers of Mr. Lecky's essays gave his volume a sudden and unexpected popularity. It was, in a measure, this use of his work that made the author desirous of revising it. He therefore, a short time before his death, revised, enlarged, and in considerable measure rewrote these notable biographical studies, to bring his work into harmony with his later knowledge and his matured opinions. Furthermore, the edition of 1871 was written without an examination of the great manuscript collections of confidential government correspondence that exist in London and Dublin. Mr. Lecky's *History of Ireland in the Eighteenth Century* was largely based on these materials and deals with the same period as most of these biographical studies. This investigation materially modified his earlier judgments.

The edition of 1871, of one volume, which has long been out of print, contained studies on Swift, Flood, Grattan, and O'Connell. The new edition, of two finely-printed volumes, does not contain the sketch of Swift, which has been transferred to the popular edition of Swift's works, edited by Mr. Temple Scott. It is replaced by a valuable introductory sketch of early phases of Irish history since the Revolution. Conditions in Ireland under William and Anne, the conditions and causes of Irish Jacobitism, and the penal laws against Roman Catholics in the first part of the eighteenth century, are here briefly but forcibly presented. This study, and the essay relating to Irish struggles under Grattan and the controversies relating to the union, are engaging and illuminating. Notice is taken of the Fitzwilliam controversy. Lord Rosebery's last monograph on Pitt, and Edward Gibson, Lord Ashbourne's *Pitt: Some Chapters of his Life and Times*, in which they defend Pitt in his conduct toward Fitzwilliam, leave Mr. Lecky unconvinced; but he discusses the points these authors have raised and gives the reader the benefit of both sides of the controversy.

About fifty pages of the new edition are devoted to the study of Flood, more than two hundred to the life and times of Grattan. The new material, as Mr. Lecky states, does not affect the career of Grattan; but new light has been thrown on the treatment of the Catholic question and on the views of the English and Irish governments. The biographies of Flood and Grattan are issued with recognition of this new material. To the study of O'Connell and his times the whole of the second volume is devoted. The author thus gives more three hundred pages to a study that his second edition disposed of in less than a hundred. The volume is like a history of Ireland during the first half of the nineteenth century. The new materials in the study of O'Connell which Mr. Lecky has brought into use are the two large volumes of O'Connell's *Correspondence* edited by W. J. Fitzpatrick, Miss Cusack's

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Life of Daniel O' Connell, and Sir Gavan Duffy's series of works describing the relations of O'Connell to the Young Ireland party.

Those who have been students of Irish history and of the historic relations between Ireland and England during the last two centuries have been grateful to Mr. Lecky for his extensive and masterful work in this field. They have now cause for further gratitude that he saw fit to revise and enlarge and put within the reach of our libraries and of intelligent readers these useful and attractive studies on the great Irish leaders.

JAMES A. WOODBURN.

The Aaron Burr Conspiracy. A History largely from Original and hitherto Unused Sources. By WALTER FLAVIUS MCCALEB, A.M., Ph.D. (New York: Dodd, Mead, and Company. 1903. Pp. xviii, 369, and index.)

THANKS are due Mr. McCaleb for having conducted such an extensive and minute search for material relating to the Burr conspiracy; and he must be congratulated upon the rich results that rewarded his efforts. The archives of Mexico and Texas yielded contemporary references to the conspiracy in official Spanish letters. Files of contemporary newspapers in New Orleans and middle Kentucky show what the public knew and how it felt. These, together with Burr maps, private correspondence, and official documents lying hidden and unknown in the department archives at Washington, add a mass of material as considerable in character as in size to all that previous writers upon the subject have had at their disposal. Not only is his knowledge of so much new material a justification in itself for reëxamining the old, but it has also afforded him an opportunity to do a public service in restating the whole story with accuracy of detail and with fullness of citation from the new sources not otherwise accessible even to students. But in performing this task Mr. McCaleb has felt compelled, in justice to his own convictions, to propound a new interpretation of the conspiracy which challenges attention. It is original; is it sound?

Mr. McCaleb holds that Burr did not commit, nor even conspire to commit treason. The proof is, first, the testimony of prominent Westerners who deny that they ever had any treasonable dealings with him; secondly, the fact, which the author proceeds to demonstrate, that the West was so loyal to the Union that a conspiracy to sever the Union was preposterous; and, thirdly, the falsity of the evidence hitherto accepted in support of the whole charge.

The contemporary idea that such a treasonable movement was on foot was due almost wholly to articles published in the *Western World* at Frankfort, Ky. The Frankfort *Palladium* repudiated them at the time, and the editors of the *World* admitted before the Kentucky grand jury that they were false. Nevertheless they traveled over the mountains to the East, where they attracted attention, were copied, and gained a credence for the story they told beyond the power of any denials to coun-

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teract. Later, when Wilkinson turned against Burr, he told the same tale as if from original knowledge (p. 141). Jefferson gave full credence to the story thus corroborated, and published his proclamation against Burr. Thereupon the Western people, believing that Jefferson would not have acted thus without certain knowledge of the fact, were themselves convinced that Burr must have been conspiring with somebody in their midst to take them out of the Union (pp. 185, 189). So the vicious circle of evidence was complete, yet it was false and founded on two falsehoods.

There is then left the testimony of Merry and Yrujo, who in their contemporary letters to their superiors relate the treasonable conversation of Burr and Dayton with them. Perhaps the student might, with some confidence, be left to decide for himself which mass of testimony has the preponderance. On the other hand, the attempt to conspire with Merry might be confessed and avoided, so far at least as any implication of the West in it is concerned, by urging that no overt act was committed and that such a conspiracy, like the old Spanish conspiracy, "in the nature of things" must have been confined to a few "politicians" and "pensioners." Mr. McCaleb, however, undertakes to deny even this. He offers the explanation that Burr merely pretended to these men to be plotting the severance of the Union in order to get half a million dollars or less in money for his enterprise against Spain. Thus our author would acquit Burr of harboring any treasonable purpose at all by exhibiting him in the act of trying to obtain money under false pretenses, an offense the heinousness of which depends upon the amount of the money and the nature of the pretenses. In fact, between Burr the traitor and Burr the knave there is little choice. But it is something worth while to have the loyalty of the West vindicated.

Again, regarding Burr, Mr. McCaleb holds that he did commit a high misdemeanor against the United States in that he began on its soil an expedition against Spain. It was fortunate for Burr and Blennerhasset, but unfortunate for the truth of history, says our author, that the government failed to make out a case of treason against at least one of them. For, had they been put upon their defense, they must almost certainly have convicted themselves of high misdemeanor in the effort to escape the more serious charge (pp. 355–356). In the end they escaped punishment for the lesser crime also because of "a slight reaction in their favor," the disgust of their prosecutors, and the pressure of other matters (p. 361). It is impossible here even to summarize the evidence on this head which Mr. McCaleb gives, some very interesting parts of which come from Spanish sources.

One of the most striking features of the book is the attitude towards the idea of a filibustering expedition against Spanish territory which Mr. McCaleb attributes to the people of the west. The West had two characteristic attributes, he says — a vigorous national consciousness and an intense hatred of Spain. "Thus for years the West had harbored the most devoted adherents of the constitution and the most unscrupulous filibus-

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ters" (p. 13). "In the mind of the westerners, closely linked with their hatred of Spain for her insolence on the one hand and her oppression on the other, came the longing for her fabulous riches, which they meant sooner or later to take for themselves" (p. 6). Burr shared, and was known to share, some of their sentiments against Spain. For this reason and in spite of his past he was in good favor with them; and it was an open secret that he had designs of some sort against Spain, with whom, according to the general expectation of the time, there was likely soon to be war. While the Westerners looked on with sympathy and gave such support as they dared, he planned a filibustering expedition which, as both he and they calculated and earnestly hoped, would, before its true character became so notorious as to bring down official condemnation upon it, be transformed into a lawful war expedition by the acts of both governments. It was Burr's chance to redeem his fortunes. Having prepared himself in advance and being so early in the field, he might expect to win the lasting gratitude of the United States by his achievements, and possibly win a kingdom for himself further south. Indeed there was some expectation that a President who had not interfered with Miranda would conveniently fail to see any filibustering movements in the west (p. 286).

One of the clearest and most convincing parts of the narrative is that devoted to the career of Wilkinson in 1806 and 1807. Throughout the spring and summer of 1806 it seemed as though war would be precipitated on the Sabine frontier. But Wilkinson was dilatory in getting to the front, apparently waiting for Burr to advance his preparations (p. 122). Arrived at length at Natchitoches, he found Herera between him and the Sabine, while Cordero, the superior officer, was at Nacogdoches beyond. The latter refused to recall his subordinate across the river when ordered and war seemed inevitable. But Herera without orders retired beyond the Sabine, and the chance for war was utterly spoiled. It was the situation caused by this act of Herera's which, according to Mr. McCaleb, determined Wilkinson in his purpose to betray Burr. The receipt of the famous letter from Burr just at this juncture afforded a favorable opportunity. If Burr's plans were as far forward as they should be, the failure of war would expose the filibustering nature of his expedition and overwhelm them both. Wilkinson, therefore, determined to save himself by charging Burr with treason and rushing ostentatiously to the rescue of his imperiled country. Then it was that Wilkinson compromised the rights of the United States to the land adjoining the Sabine on the east by making the so-called "neutral ground" (p. 152) treaty with the timid Herera in order to be free to hasten to the scene of alleged greater danger. Then began the process of magnifying the size and scope of Burr's approaching expedition and the danger from the alleged disaffection of the old citizens of New Orleans. Indeed, his own representations of the danger were his warrants for proceeding to govern New Orleans by martial law, although at every step both creoles and Americans, quite in opposition to what he pretended to believe, manifested unimpeachable loyalty and devotion.

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When at last Burr's expedition arrived on the lower Mississippi, it numbered barely sixty men with no more arms and provisions, says Mr. McCaleb, than a band of Washita colonists might prudently have carried. Indeed, Burr knew before he left Tennessee that Wilkinson had come to terms with the Spaniards and that there could be no war (p. 266). Burr surrendered and was bound over to meet the grand jury, which, like the Kentucky grand juries, found no true bill against him. The judge, however, unaccountably refused to release him, and, fearing for his life if he should fall into Wilkinson's hands, he fled, was captured near Fort Stoddert, and thence taken to Richmond (p. 275). Jefferson was deceived completely by Wilkinson; and when others manifested doubt in regard to the latter's stories and criticized Jefferson's actions, he took it for partizan malice. At length he lost his temper and his self-control, and began to act obstinately and vindictively without due poise of mind and dignity of manner. The book is without a hero; Burr, Wilkinson, Jefferson are all seen in the light of their shortcomings. Only Burr could say in after times, "What was treason in me thirty years ago, is patriotism now."

The book is not an easy one to read. The narrative, complex at best, is often burdened with controversial matter. There are many long quotations. Though important to the argument and valuable to the reader to whom they are not elsewhere accessible, they often challenge study rather than carry instant conviction. In some important points the testimony is contradictory, and it is only by looking to the weight of evidence that a conclusion can be reached. But Mr. McCaleb's interpretation of the conspiracy, in its most important phases at least, will undoubtedly win acceptation. Few books in recent years have been more enlightening upon their particular themes than this book is.

FREDERICK W. MOORE.

A History of the Peninsular War. By CHARLES OMAN, M.A. Vol. II. From Corunna to Talavera. (Oxford: Clarendon Press; New York: Henry Frowde. 1903. Pp. viii, 664.)

PROFESSOR OMAN'S first volume was duly welcomed. Now comes the second in a solid, sumptuous form, without and within. It is entitled to equal welcome.

The Peninsular War is a maze. Except for the one campaign of Napoleon, and the masterly labors of Wellington, there is no *ensemble* to it. Most events seem to occur in a haphazard way. Much of the good work done proves worthless. "To endeavor to grasp a Spanish corps," says our author, "was like clutching at a ball of quicksilver; the mass dispersed in driblets between the fingers of the manipulator, and the small rolling pellets ultimately united to form a new force." The terrain was shut in and cut up, so that larger operations were lacking. Victual was scant. The English, aided by the natives, barely existed; the French starved. After reading of Ulm and Austerlitz, Jena and Friedland, and marching in plenty with the Grand Army from

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the Channel down the Danube and back, and thence through north Germany to the confines of Russia, this is like turning from wholesale to retail, from a Lyons silk-factory to a counter in the *Bon Marché*. Not that there wanted heroism — think of Saragossa; not that peril was lacking — over half a million men there met a soldier's fate. Yet the influence of the Peninsular struggle on the wars of the Empire is apt to be overrated. Had it begun sooner, had it not been complicated by other and greater European contests, who doubts that Napoleon would have swept out the English and annexed Spain and Portugal to France? For if at sea the Emperor's admirals and fleets could in no wise vie with the British, on land, led by himself, his lieutenants and army corps were efficient far beyond anything the Peninsular allies could put into the field. But this war grew to dangerous proportions only when the career of the great soldier had begun its downward course, when he himself had not sufficient time to devote to this part of the continent, and when the fostering care of Wellington, who quite outclassed every marshal ever trained by Napoleon, could make it a potent factor in his ruin.

Some of the difficulties met by Professor Oman in his undertaking are thus stated: "If we look at the month of May, 1809, we find that the following six disconnected series of operations were all in progress at once, and that each has to be treated as a part of one great scheme of strategy — (1) Soult's campaign against Wellesley in Northern Portugal, (2) Ney's invasion of the Asturias, (3) Victor's and Cuesta's movements in Estramadura, (4) Sebastiani's demonstrations against Venegas in La Mancha, (5) Suchet's contest with Blake in Aragon, (6) St. Cyr's attempt to subdue Catalonia." This variety of operations was partly the outcome of risings of the different sections, headed by the several juntas. It was not strictly the result of one pure strategic plan like, say, the campaign of 1806; and while the latter may be narrated intelligently and in sufficient detail in one or two long chapters, it requires as much space and more labor for the historian to treat each of the former.

Military criticism is now an open book, where he who runneth may read. While the conduct of war more than ever requires training, the factors of a campaign may be well seized and presented historically by the civilian. This was proved by the late John C. Ropes, and the demonstration is being continued on a larger scale by Oman. Added to fresh material, he has personally equipped himself well for his task by visiting the ground, and by reading his authorities, old and new, with the field spread before him. Only he who has done this can appreciate the difference between printed pages, even elucidated by good maps, and the actuality of the terrain itself. Oman has secured the coöperation of numerous experts in his chosen field, and has left no stone unturned to verify every statement of his story. You will not quarrel with his facts, though you may with his deductions. You will agree amiably to differ with him, for while he lacks not a most forceful way of putting things, he is fair enough to rouse only your disagreement, and not your antagonism.

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It is difficult to criticize so important a work volume by volume. The first covered the period ending at Corunna; the present one, out of a period of over six years, covers only January to September, 1809. Its central incident is the battle of Talavera. Here Wellesley continued the defensive battle tactics begun at Vimiero, in which the steady line of redcoats on a hill awaited the charge of the Gallic columns, met them, winded after a hard ascent, with a hurricane of bullets, shot, and shell, and then fell upon them with the bayonet. This has been called a triumph of the line against the column. It does not seem so. Ever since 1792 the French had been demonstrating the superiority, as things then were, of the column to the line. The knell of the column was only sounded when the infantry arm was made to carry to a distance. The success of the line was a nice calculation by Wellington of what the natural characteristics of the two opponents would enable each to do and suffer. Reverse the situation and imagine the British line charging up hill against the French column under cover, of being met by a withering volley at the top and then by the countercharge of a deep body. The line would have inevitably been ruptured and driven back. Wellington's greatness in the Peninsula depends not on the discovery of any new tactical theory, but on his wonderful common sense in grasping the conditions — such as lack of cohesiveness of his allies, uncertainty of home support, limited resources in men and food — and his skill in using a Fabian policy to meet the conditions.

The description of the campaign and battle of Talavera is clear. Written from the English standpoint, it bears a different flavor from the French accounts; but it is fair enough to both sides. Indeed, the entire tone of the book is fair. Oman's appreciation of the Great Duke, with his strength and his marked limitations, is essentially well poised for an Englishman. He is not a hero-worshiper of Napoleon as Napier was. Yet he strives to do equity, although from his naturally English point of view, the French reports are now and then "mendacious." As a fact, from the standpoint of the enemy, every despatch is mendacious. Even the most conservative battle reports are full of errors, if not prejudice. The reverse of the battle coin differs widely from the obverse. A Frenchman would use a similar word in speaking of many English reports.

The most interesting single fact given by Oman is that Crauford's celebrated march of twenty-two hours to reach Talavera in season for the battle was forty-three miles, and not sixty-two, as stated by Napier. The latter distance within the day and night, while accepted out of deference to Napier, has always been a source of stumbling to those who have made forced marches with even the most seasoned infantry. Despite the present cut in distance to what one can understand, the march remains one of the very best in history.

This volume shows, perhaps more forcibly than its predecessor, that the author is engaged in preparing a great historical work. One could wish that this century began with less to do, so that one might follow the author in all his details. Oman believes that what is worth doing at all

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is worth doing well, and every page is interesting. The manufacture of the work is typically good. The illustrations are apt and the charts excellent.

THEODORE AYRAULT DODGE.

The Independence of the South American Republics. A Study in Recognition and Foreign Policy. By FREDERIC L. PAXSON. (Philadelphia: Ferris and Leach. 1903. Pp. 288.)

THE title to this excellent little volume gives its intention and scope, and Mr. Paxson has with rare restraint confined himself strictly to his subject. Before the American Revolution there was no theory of recognition, and for a state to recognize a revolted colony before the mother-country had given recognition was tantamount to intervention, and a cause for war. The action of France and Holland in recognizing the United States was based upon interested motives, and therefore could not furnish a precedent. The attitude taken by the United States towards France during the French Revolution, in recognizing any government accepted by the French people, was a decided step in advance, but it was not until the doctrine of neutrality had been defined by Washington's cabinet, in the Proclamation of 1794, that the doctrine of recognition could assume a definite form.

Mr. Paxson outlines clearly this rise of a doctrine of recognition, and as clearly recounts the events passing in South America which led to the revolt against Spain and eventually to independence. He then describes the attitude of the United States from the first mission of Poinsett to the recognition of the late Spanish colonies as sovereign states, and that of England from the beginnings of her somewhat uncertain policy to the like issue. He makes use of the manuscripts in the Department of State at Washington, the Adams papers at Quincy, and the records in the Foreign Office, London. His study is based upon original sources.

While England approached the question of recognition from the commercial side, the United States took the higher ground of international right. Action in the matter involved some delicate consideration of neutral rights. Spain looked upon the South American states as rebellious colonies, and therefore not subject to recognition until such action on her own part should admit their claim to be treated as equals. The United States government, on the other hand, regarded the situation as one of civil war, and the parties already on a plane of equality. A recognition given too hastily might injure the cause it was intended to further, and yet inaction on the part of the government would favor positive breaches of neutrality, such as had given the port of Baltimore so bad a name, and delayed the successful issue of certain negotiations between the United States and Spain. Factious attempts by Clay to force the administration to recognize, even at the expense of war, and the action of the agents of the South American states in demanding recognition or offering treaties without instructions or powers, complicated the position of the Executive, but were not successful. Every opportunity was afforded to Spain

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to recover her dominion over South America, and when failure was evident, it became useless to permit a continuation of the war or the restoration of a system of government avowedly hostile to republican institutions. Spain alone could not win ; Europe working through Spain might win, but with danger to the United States. Mr. Paxson has justly emphasized the influence of John Quincy Adams in preventing hasty action by the President and cabinet, and in developing a line of action that accomplished all that was necessary at the time and has stood the test of later experience, though sadly misinterpreted on occasions.

We think Mr. Paxson exaggerates the oppressiveness of the Spanish commercial regulations. The fact was that the mercantile system, of which Spain's laws were an example, was out of date, and had been out of touch with the tendency of international trade since the injection of neutral ships and goods, and the varied and mottled experiences under American non-intercourse, paper blockades, French decrees, and British orders in council. But for Napoleon's invasion of Spain the revolt would have occurred at a much later day. The commercial laws pressed lightly on the colonies because they were rendered quite harmless by extensive and tolerated smuggling. The extension of Napoleon's rule over Spain put an end to the existing commercial system of the colonies, and foreign merchants and influences began to be felt. Not until 1811 was independence from Spain seriously considered. As late as 1816 negotiations were conducted for placing a Spanish prince on the throne of Buenos Ayres.

Another weak point in Mr. Paxson's narrative is the little attention given to the actions and opinions of Russia. The ruling spirit of the Holy Alliance was Metternich, but the attitude taken by Russia, a power representing the extreme of absolutism, was of great moment. The part played by the Czar's treatises on government, sent to the members of the alliance and incidentally to the United States, had more than an academic interest. Indeed, they served, better than could any act of France or Spain, to give Adams his opportunity for stating the American doctrine. By nature opposed to liberal ideas in government, it was not to be expected that the Czar would be silent upon Spain's revolution. The feeling that he could count upon the support of the alliance, after its measures in Italy and Spain, gave his utterances a weight greater than could have been commanded by a power more immediately interested in a possible division of the spoils to follow a restoration of Spanish rule in America. When Canning believed that Russia was acting alone, or was placed in such a position that she could only act alone, he ceased to regard the opinion of the Czar.

Whatever aid was given to Spain in conquering her rebellious colonies must be paid for, and how could poor Spain pay in anything but land, in colonial possessions? Was there not an ever-present fear to Canning that France might obtain Cuba as recompense for aid, or that the United States might annex that island by some, to him, high-handed act, of which Jackson's conduct in the Floridas was a precedent? Mr.

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Paxson's narrative does not account for Canning's so suddenly dropping his communications on South American matters with Rush, or for his final diplomatic advance to Polignac. Commerce or the pressure of merchants' petitions would have permitted recognition at any time after the entrance of the French armies into Spain. It was for another cause that Canning took the step that was to lead to recognition. Through Rush he had assured himself that the United States had no intention or interest in acquiring territory lately under the dominion of Spain. By Polignac he learned that France had no land-thirst to be assuaged in America. Having ascertained the position of the two powers most directly concerned, he could then prepare the instructions for his agents sent to South America, and deny that Great Britain had any idea of bringing any part of the late Spanish possessions under her dominion, or would tolerate their being brought under the dominion of any other power.

The proof-reading might have been better.

WORTHINGTON C. FORD.

A Political History of Slavery. Being an Account of the Slavery Controversy from the Earliest Agitations in the Eighteenth Century to the close of the Reconstruction Period. By WILLIAM HENRY SMITH, with an introduction by WHITELAW REID. (New York: G. P. Putnam's Sons. 1903. Pp. xvi, 350; iv, 456.)

THE author of this work was one of the prominent editors and political leaders of Ohio during the period preceding and following our Civil War. He was an active party agent and a leader of party opinion in the course of the events which he narrates. A follower and youthful admirer of Clay and Corwin in Whig days, an ardent Republican and faithful follower and co-worker of Lincoln, Chase, Brough, Morton, and Sherman on the issues of slavery and Civil War, a constant editorial contributor to the party controversies of his day, himself heading his party ticket for the office of secretary of state in Ohio in 1864, Mr. Smith witnessed and helped to make a considerable part of the history of which he writes. His volumes reflect the issues and controversies, the men and measures, as they appeared to him in the midst of the struggle. It cannot be claimed, therefore, that he constructs his political history like an impartial and judicial historian. The party attitude is apparent. The author is fully convinced in his own mind, to begin with, that the cause of civilization and progress is with his side, and this leads him, naturally, to judgments and condemnations, to awarding praise and blame, to the language of censure and denunciation for the opponents of his cause. While the writer is large-minded and at times philosophical, the measure of argument for the other view, the reasons and circumstances influencing the adversary — such as may be necessary to the full presentation of the case in the court of history, are not fully meted out. The pleas of the contestants are not allowed as fully as should be to speak for themselves. But while this is true, as it is true of other con-

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tributions to the history of this struggle by personal participants, the careful reader of Mr. Smith's volumes will be fully convinced that they are a valuable contribution to the literature of our political history.

The extent of his subject which the author's subtitle lays out for him would lead us to expect necessarily brief, if not inadequate, treatment of many topics. The fact is, very important aspects of his subject prior to the close of the Mexican War in 1848 are either omitted entirely or receive but scant attention. The status of slavery in the colonies, the causes and processes of emancipation in the northern states, the debates touching slave interests in the Federal Convention of 1787, the influence of the purchase of Louisiana, the causes for the subsidence of the abolition spirit of the period of the Revolution, the cotton-gin and the economic influences leading slavery to become intrenched in the south, the Southern defense and view of slavery — these topics, if mentioned at all, are but slightly and incidently touched upon. The Missouri struggle of 1820, one of the most important chapters in the slavery controversy, involving constitutional and political arguments of the first rank, is referred to in a few lines, and the compromise resulting from that exciting struggle is mentioned only in connection with and subsequent to its repeal in 1854. Less than three pages are devoted to the annexation of Texas. Lundy's work is but briefly recognized. Dr. Channing's essay on slavery in 1835 is regarded, perhaps quite properly, as the "most influential contribution to the discussion of the subject throughout the whole controversy." But Garrison and the Abolitionists, in whose cause Channing's pen was soon enlisted, are brought into view by our author chiefly for their condemnation. Their shortcomings and excesses; the violence of their language; the censure visited upon them by the moderate opinion of their time are recited: but their merits; their services to the cause of the slave at a time when theirs were the only voices raised in his behalf; the effects of their agitation on public opinion and parties north and south; their literature; the courage they manifested and the character and labors of the men and women promoting their cause; the humanitarian spirit and political theory underlying this cause; the great moral impulse given to the antislavery movement by Abolition agitators and organizers like May, Green, Jay, Phillips, the Tappans, Whittier, Lowell, and Emerson — most of whom are unmentioned; the political effect of their movement in promoting sectionalism and secession — these worthy subjects do not receive that share of attention and appreciation one has a right to expect in a history of American slavery. Theodore Parker, Henry Ward Beecher, and Harriet Beecher Stowe are not mentioned in the account of this struggle. Almost equal neglect is visited upon the Free-soilers and the political movement against slavery extension which they organized. Leaders like Birney, Hale, Andrew, Hoar, Sumner, Wilson, Julian, Palfrey, and Giddings are either left to one side or are but slightly noticed — Chase among all the pronounced antislavery men of his day being accorded suitable rank and influence. It is the safe Whig party-leaders — the politicians rather than the positive agitators and reformers — and the

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Western men rather than the New Englanders — that receive our author's interest and attention.

Eighty pages of this work are given to the subject down to the presidential election of 1848. The omissions that we have cited on this period are, however, not without compensations. On the controversy touching the genesis of Abolitionism Mr. Smith goes back beyond Garrison or Lundy or Charles Osborne, and brings into view the work of John Woolman, a New Jersey Quaker who, it is stated (by an anachronistic misprint), was born in 1720 and who, "in 1732, at the age of twenty-six," published his essay on *Considerations on the Keeping of Negroes*. The cases involving the maritime law and national security for slavery on the seas; the influence of the Quaker migration from Virginia and the Carolinas to the Northwest, and its subsequent influence on the antislavery cause; the legal struggles for the slave, especially in Ohio; and valuable references to Ohio politics and leaders — the treatment of these topics gives decided value to this part of the work.

The more valuable parts of Mr. Smith's work begin with the discussions on the Wilmot Proviso (whose origin he attributes to Judge Jacob R. Brinkerhoff, of Ohio), the compromises of 1850, and the exciting political history which follows. These are events within his recollection and experience. He approves the Whig conservatism of Clay, Webster, and Corwin as necessary to the saving of the Union, and he claims that much was gained for freedom by the compromises of 1850. Corwin is given large prominence, and considerable attention is given to his speeches, especially the one against the Mexican War in 1847 and that on the political issues of 1859. Corwin's policy of committing the Whig party in 1847 to opposition to territorial acquisition as a means of avoiding the necessity of taking a party stand on the Wilmot Proviso is brought out in interesting correspondence. The antislavery men of Massachusetts, it is stated, "hoped to follow Corwin, but they wanted him to be as radical as themselves"; and Giddings is reproved for demands on Corwin that would lead to the organization of a new party, and for demanding of Winthrop "security for the future" before voting for him for speaker in 1849.

A full, complete, and satisfactory presentation of the large subjects coming up in the decade before the war is not attempted. But the principal topics are brought into review, and much valuable and important material is suggested, though but few phases of the struggle are fully considered. The volume is strong on the organization of the Republican party, in showing that it was by no means a party of abolition; that in its fundamental principles it was opposed both to the extension of slavery and to interference with that institution in the states; that resistance to slavery extension was the single paramount issue by which it was sought to unite under one banner Free Democrats, radical and conservative antislavery Whigs, German-Americans, and the antislavery Know-nothings. When Douglas interpreted the Republican issues in 1856, calling for "no evasion and no cheating, no skulking or lowering of colors" — instead of

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"the rugged issues to which Douglas claimed the Republicans had committed themselves and which had been pressed to the front by the pronounced antislavery men" —"the more prudent counsel of Blair" was followed, who would call all to unite who objected to the repeal of the Missouri Compromise and the extension of slavery. "This embraced thousands who were opposed to the repeal of the Fugitive Slave Law, to meddling with the interstate slave-trade or with slavery in the District of Columbia." After a review of Buchanan's administration from the standpoint of the opposition, and of the progress of the secession movement (which is attributed to conspiracy) and of the attempt at conciliation (in which the author approves the positive stand of Wade and Clark — that the provisions of the Constitution, if enforced, were sufficient to preserve the Union), the first volume closes with the opening of the war.

The second volume deals with the Civil War, Emancipation, and Reconstruction. The Peace Democrats and the Knights of the Golden Circle, especially the course of Vallandigham in Ohio, receive the attention of a chapter. The suspension of habeas corpus and the war powers of the President, national finances and the conduct of Congress, the politics of the war, especially the campaign of Governor Brough in Ohio, and the election of 1864, are set forth from the standpoint of loyalty to the administration. On Reconstruction and Impeachment the author is pronounced in opposition to President Johnson and in favor of the Congressional party. In these days when it is the custom of historical essayists to disparage the Congressional work of Reconstruction, it is well that we have an author restating as Mr. Smith does the causes leading to the drastic measures of Reconstruction, the arguments for manhood suffrage, the political theory underlying the War Amendments, and the faith in the equal rights of all men, white or black, that prompted the able and sincere Congressional leaders in Reconstruction times. For these and for many other aspects of these volumes the historical student, as well as the casual reader, will feel grateful to the author. Historical students are, also, pleased to learn that what may be considered a practical continuation of this work is being carried forward by the son-in-law of Mr. Smith, Mr. Charles R. Williams, editor of the *Indianapolis News*, in a *Life of Rutherford B. Hayes*. With President Hayes in politics and public life Mr. Smith was long and intimately associated. The original material which Mr. Smith has used and referred to, in the shape of correspondence, newspaper files, and pamphlets, and that which he transmits to his successor, will make these volumes of great value and interest to all readers and students of American political history.

The closing chapter of the work under review is contributed by Professor John J. Halsey, Professor of Political Science in Lake Forest University, under the caption, "The Failure of Reconstruction." This brings into review, in a scholarly and judicial summary, the chief events and forces from 1869 to 1877 leading to the abandonment of the historical plan of Reconstruction by the withdrawal of the national military power from the south and the elimination of the negro from Southern

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politics — "because," as Professor Halsey says, "the best thought of the North at last realized that it is impossible to solve the social and moral problems of a people from without." So far as the application of this vital principle in American government has wrought its logical and natural changes since Reconstruction times, the results and the failures of Reconstruction will be accepted without serious resistance. For there are few, if any, who now wish to quarrel with the old American idea that each state should solve its own social and political problems, subject only to the national law and interest, and with only such help as the state herself invites. But Professor Halsey's brief view of Reconstruction, though it is the one now generally put forward by fashionable university scholarship, will certainly not pass among all thoughtful and candid men without exciting some antagonisms and a list of exceptions. The author of the work for which he writes would certainly not have written such a chapter. Passing by the quiet assumption that Reconstruction statesmanship produced no successes worth mentioning, we note a few implications that may well be brought to the light of further inspection.

Professor Halsey speaks of the negro's "bidding a long farewell to the political arena," implying that that condition is desirable and final. All carpet-baggers are made to look alike, — alike execrable and odious, and he recognizes no redeeming or ameliorating virtue in the carpet-bag régime. He speaks of the Fifteenth Amendment as giving the negro the ballot, "which has proved a curse rather than a blessing," — which implies a condemnation of that amendment. Under the conditions then existing in the south it may readily be recognized as unwise to have required manhood suffrage through the Reconstruction state constitutions imposed by Congressional power. The erection of acceptable state governments, soon to be left to local control, with the power to regulate the suffrage by suitable and rational qualifications, would perhaps have been wiser statesmanship. But as the Fifteenth Amendment confers the suffrage on no one, nor assumes power in the national government to do so, it would seem to be better for teachers of political science, instead of inveighing against the amendment, clearly to recognize the soundness of its doctrine that limitations on suffrage and political rights should never be based on the accidents of race or color. The writing of that principle in the fundamental law of the land may still be reasonably claimed as a success that was well worth achieving. Professor Halsey will probably very readily agree that, while the principle of manhood equality before the law, regardless of race or color, may be temporarily violated, it is safe to say that it will not be surrendered nor permanently reversed, not even by the consent of the best thought of the South itself.

James A. Woodburn.

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Bismarck und seine Welt. Grundlegung einer psychologischen Biographie. Von OSKAR KLEIN-HATTINGEN. In zwei Bänden. Erster Band: 1815–1871. (Berlin: Ferd. Dümmlers Verlagsbuchhandlung. 1902. Pp. viii, 709.)

"FROM the title of the work," the author says in his preface, "the reader may gather that the task proposed is: On the basis of the historico-political and biographical material to give a psychological demonstration, for the ultimate purpose of an essentially exhaustive characterization of Bismarck." This ultimate purpose, he adds, cannot yet be attained; we stand too near Bismarck's life to disengage from its details the really salient features; and the author's work is to be regarded only as "a first attempt of its kind."

To use a word that has been much overworked and not a little abused, Klein is trying to depict the "real" Bismarck. His book, of course, is not what he claims, a first attempt of its kind. Nobody writes a historical biography without attempting to get inside his hero. All that really distinguishes this book from the numerous lives of Bismarck that have already appeared is an arrangement that emphasizes this universal attempt, and a slightly pretentious employment of technical psychological terms. Like any other biographer, Klein divides Bismarck's life into periods, and gives a narrative of the events of each period. Unlike the majority of biographers, he appends to each period a general survey (*Überschau*), in which he gives us a study of Bismarck's mind and character at the stage of development then attained. These surveys constitute less than one-tenth of the book and they include other things besides psychological demonstrations. On the other hand, the process of psychological demonstration is applied not only to Bismarck, but also to King William and to Bismarck's leading associates and antagonists. Klein's estimate of William is substantially identical with that of Erich Marcks. Neither book can enjoy the approval of the present Emperor, for both make it clear that even Hohenzollerns need guardians.

Regarded simply as an historical biography, the book has great merits. The author knows the history of the time and commands the Bismarck literature; his material is well selected and well grouped; and his style, although somewhat exclamatory, is lucid and readable. To his knowledge he adds insight and judgment; and his construction of the inner Bismarck is perhaps as near the truth as that of any other biographer. Over most of the German biographers he has distinct advantages: he is too skeptical to take Bismarck's own statements as final, and he has too much humor to regard Bismarck's paradoxes as expressions of lifelong convictions.

Klein has of course, like other men, his prejudices, and he is biased by them. The chief points to be taken into account in controlling his construction of character and his presentation of events are: first, that he is a thoroughly patriotic German; secondly, that he is a Liberal, and not a National Liberal, but something more to the Left,

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apparently in Eugene Richter's neighborhood; and thirdly, that he seems to regard religious faith as a subjective illusion, describes altruism as a form of egoism, and declares that morality is subordinate to prudence (*Klugheit*), *i. e.* to the individual perception of a real social utility. His German patriotism makes it seem to him a commendable example of diplomatic skill that Bismarck played off France against Austria, but an act of treason to Germany that Austria tried to play off France against Prussia. His Liberalism leads him to believe that Germany might have been unified without iron and blood on the programme of the Gotha party, if that party had possessed a leader of anything like Bismarck's ability. His attitude towards religion does not lead him to view William and Bismarck as hypocrites; he holds that their faith was sincere; but there is a touch of superior scorn in every allusion to their religion. The young Bismarck, "as regards insight into religious, social, and political matters, stands far from the summit of the culture of his time" (p. 35). Bismarck's Christianity, although sincere, is described as very "practical": Bismarck uses it with diplomatic adroitness to secure the consent of his prospective father-in-law to his betrothal, to keep himself in touch with the Conservative leader Gerlach and, through him, with Frederick William IV., and to control William I. Bismarck "was certainly a man of prayer, but only in second instance. He was accustomed to act; to await 'illumination from above' as a guide to his action did not occur to him" (p. 415). King William, on the other hand, was a man of prayer in first instance. In 1866 he announced to his ministers that, after beseeching God to show him the right way, he was convinced that the impending war with Austria was just. Klein comments: "A classical case of religious autosuggestion, which shows indeed the King's limited power of thought but also his unfeigned piety. He is always like this: he brings all his conscientious scruples to his God, and He — how could it be otherwise when a King by His grace applies to Him? — is affable" (pp. 305, 306).

One very practical question suggested by a work like this is, To what extent may the study of a statesman's mental processes, as revealed in actions that we fully understand, help us to explain conduct that we do not fully understand? Every historian, consciously or unconsciously, uses such inferences. Like a writer of fiction, he hesitates to represent his persons as moved by considerations which, according to his understanding of them, would not be likely to influence them; and, conversely, he is ready to attribute to them resolves and acts which seem "in character." In Bismarck's career the obscurest point is his treatment of the Hohenzollern candidacy for the throne of Spain. It is now well known that Bismarck favored this candidacy, if not at first, at least in 1870, and that it was through his exertions that the offer of the throne, thrice rejected, was made for the fourth time and was then accepted. Bismarck denied at the time and ever afterward — he denies in his *Reminiscences* — that this candidacy was intended to provoke France to war. The interesting question is, What other expectations, what other motives, could

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he have had? His own explanations seem wholly unsatisfactory. Into this affair Klein goes very fully. To the Spanish candidacy and its diplomatic treatment up to the outbreak of the Franco-German war he devotes not less than one-sixth of this volume. His explanation — which cannot be so reproduced, in the limits of a book-review, as to be wholly intelligible — is not in all respects convincing: to the reviewer he seems to lay too little stress on the fact that, in the spring of 1870, French and Austrian military men were planning, for 1871, a joint campaign against Prussia, and on the probability that this fact was known to Bismarck. But on the whole Klein's construction seems to be more in accordance with the facts, as far as they are known, and with the character of Bismarck, than any other which has yet been attempted.

The promised second volume, dealing with Bismarck's career subsequent to 1871, can hardly be of equal interest, and the author's political bias is likely to exercise a more disturbing influence upon his judgment; but for all that, the second volume also will doubtless be worth reading.

MUNROE SMITH.

Self-Government in Canada and how it was Achieved. The Story of Lord Durham's Report. By F. BRADSHAW, B.A. [Studies in Economics and Political Science.] (London: P. S. King and Son. 1903. Pp. vi, 414.)

THE question of the federation of the South African colonies has recalled the attention of the English people to the successive steps by which the discontented provinces, which now form the Canadian Federation, were rendered contented and prosperous and led voluntarily to seek that unity which, at one time, appeared so improbable. The new edition of Lord Durham's *Report* with notes and the publication of the volume under review show how important the consideration of the question has become. Mr. Bradshaw, an Oxford graduate, has been engaged in research work in the London School of Economics and Political Science, and the bulky volume, forming one of the studies published by the school, is the result of his labors. The study is practically confined to the two provinces of Upper and Lower Canada, different conditions prevailing in the maritime provinces. In both provinces the Constitutional Act of 1791 had provided for their government by a governor appointed by the Crown, who was to be advised by an appointed council and an elected assembly. The judges and most of the important heads of departments were either sent out from England or appointed from among the friends of the governor, the post-office was imperial, and the revenues were largely supplemented from the English budget. In Lower Canada the task of the governor was complicated by the fact that about seventy-five per cent. of the inhabitants were French, speaking their native language, adhering to the *Coutume de Paris* in civil cases and accepting reluctantly English common law in criminal. The remaining twenty-five per cent. were almost entirely composed of English merchants, in whom most of the wealth of the country was settled and who

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bitterly resented the efforts of the French majority to gain the political supremacy. After the conclusion of the War of 1812, the struggle between the two parties steadily increased in vehemence, culminating in 1835 in the refusal of the House of Assembly to pass the budget, and in 1837 in open rebellion. In the Upper Province, the centralization of power in the hands of a small autocratic council and the inability of the new settlers to exert any influence on the government produced the same result, and in 1837 it was apparent to the English Parliament that the days for governing the provinces of British North America as Crown colonies were at an end.

Mr. Bradshaw devotes eight chapters to a carefully written summary of the history of Canada, from the cession of 1763 to the outbreak of the rebellion, tracing the development of the antagonism to the Constitutional Act and the growing clamor for responsible government. The contest in its latest stages centered upon what was the real issue, the control of the public chest, though even this the English government were prepared to grant if a guaranty were given for a permanent civil list. But too much ill-feeling had been aroused towards the nominees of the Crown to permit of a reasonable compromise, and armed insurrections broke out under Mackenzie and Papineau. In Lower Canada the *habitant* with some exceptions refused to take up arms and the rebellion was speedily crushed by Sir John Colborne, who was in temporary command. The constitution was suspended, and the special council enacted such laws as the occasion demanded. In Upper Canada it was defeated by the loyal inhabitants, who rushed to the assistance of the governor.

These were the conditions when Lord Durham arrived at Quebec. His instructions were to report upon the conditions prevailing, and to suggest some form of government by which the French and English in Lower Canada could unite without the latter's being entirely swamped, and by which the loyalists and reformers in Upper Canada might be placed on such a footing that neither could claim supremacy, and that a loyal adherence in both to the British Crown should be maintained. The solution of the difficulty which he proposed and which was accepted by the English Parliament is contained in his *Report*—a document which has long been accepted as one of the ablest state papers of the past century. The principles which it enunciated are the foundations of the self-governing, English-speaking portions of the British Empire beyond the seas.

The arguments and proposals of Lord Durham, which Mr. Bradshaw analyzes at considerable length and with admirable tact, were radical in their results. "If it [the Crown] has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence" is the key-note.

The union of the two provinces into one, the absolute control of the finances, public lands, and militia by the Canadian Parliament, and the establishment of a permanent civil list are among the recommendations.

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The supremacy of the English-speaking inhabitants was established by the election of an equal number of members from the Upper and Lower provinces, so that in case of necessity the English minority in Lower Canada could unite with their brethren in the Upper. Lord Durham was strongly in favor of a federal instead of a legislative union, but was forced by circumstances to alter his plans. His wisdom, however, was justified by the failure of the legislative union and the adoption of the federal in 1866, but it is doubtful whether this result would have taken place without the fifteen years of preliminary training.

For long the currently received opinion as to the authorship of the *Report* was that "Wakefield thought it, Buller wrote it, Durham signed it," which rested on statements in the *Greville Memoirs*, J. S. Mill's *Autobiography*, and Martineau's *History of England during the Thirty Years' Peace*. Dr. Garnett has, however, dissected it with great skill (*English Historical Review*, XVII. 268), and his conclusions as to the relative share of each in its composition is generally concurred in by Mr. Bradshaw. After going over the evidence very carefully it seems impossible to avoid the conclusion that the first part was dictated by Lord Durham, probably to Wakefield, and that the last was the work of the same hand. That Buller furnished the copy for the second part and Wakefield for the fourth seems probable, but it is evident that they were carefully revised and amended by Lord Durham. Whatever may be the claim that others have had to its preparation, it is in the recommendations of the *Report* that its strength lies, and no one now questions Lord Durham's entire responsibility for them. Mr. Bradshaw's volume is a complete vindication of Lord Durham's statesmanship, while he has not failed to point out the irritability and want of restraint which prevented him from attaining that eminence which his talents seemed to justify.

The book contains a large but not well-chosen bibliography and an excellent index. Altogether Mr. Bradshaw has done a good piece of work, the general excellence of which covers a multitude of sins in the shape of minor errors, readily made by one who is not a native of the country.

JAMES BAIN, JR.

Zur jüngsten deutschen Vergangenheit. Von KARL LAMPRECHT, Professor der Geschichte an der Universität Leipzig. Zweiter Ergänzungsband, erste Hälfte. (Freiburg im Breisgau: Verlag von Hermann Heyfelder. 1903. Pp. xvii, 520.)

THE purpose of the first part of the second volume of Lamprecht's *Zur jüngsten deutschen Vergangenheit* is to describe and interpret *das Wirtschafts- und Socialleben Deutschlands* in the nineteenth century. Introductory to the main body of the book the author gives us a hundred pages of "connecting links" between the latter portion of the *Deutsche Geschichte* and the present work. These hundred pages, we are told, may be omitted by those who are familiar with the earlier volumes or who are acquainted with the main points of the recent history

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controversy in Germany. The next one hundred and twenty pages are devoted to *das Wirtschaftsleben*, while the remaining two hundred and ninety-one pages are given up to the discussion of *die sociale Entwickelung*.

To Lamprecht the ruling idea of recent times is *die freie Unternehmung*, individual initiative, or perhaps individualism. Throughout medieval and a large part of modern times *die Gebundenheit*, restricted action of the individual, subjection of one sort or another, in social as well as economic activity, bound men rigidly to certain rules, to tradition or superstition. Under this Europe languished for more than a thousand years, its population remaining almost stationary, its civilization benefiting only a favored few. The almost incomprehensible changes of the latter decades of the eighteenth and the first decades of the nineteenth centuries prepared the way slowly for the freedom of movement, of occupation, of thought of the modern man. This modern man has at last come: he has multiplied the wants of men twenty-fold (p. 153); he has reduced the size of the earth to one-tenth of what it was before; he measures time by the second, not by the day; he has made the earth yield up fuel for all the needs of the race; he has taught it to support a population of from three to five times as many souls as formerly; his enterprise knows no limitation and his invention no bounds. To-day it is honorable to work, whereas formerly idleness or rapine or war were the sole ennobling occupations of men. Under the inspiration of this new, this miraculous man, iron has taken the place of clumsy wood, chemistry has succeeded alchemy, and electricity has been made to light men's houses, transport their burdens, cook their meals.

But this intense and unbridled individualism has brought us face to face with problems of vast import. The makers of our modern conditions, the "free undertakers," have made themselves the masters of the great masses of the population, they have inaugurated the rule of the ablest, the most masterful. In doing this they have forced a social revolution which touches the life of every man. The outlining of this social readjustment — *die sociale Entwickelung* — composes the latter portion of the volume before us.

The social changes due to the operation of the principle of freedom of vocation and movement and to the discoveries and inventions of recent times Lamprecht describes in an admirable way in the six closing chapters of his new volume. Men no longer follow a calling for a livelihood, but they work for the very love of it, for excitement, and this is especially true of the *Geistesleben*. Complete absorption in one's work, self-annihilation in order to produce something which astounds, to turn out a "masterpiece every year," to conquer — that seems to be the rule. As an example of this the present status and aim of journalism are cited. The old-fashioned, culture-seeking scholar and artist have disappeared.

In the third and fourth chapters of this section of the book we are shown how the older forms of industry, commerce, and agriculture have disappeared, and how new forms have been developed: the "handworker" with his small establishment and a few helpers has been forced

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to the wall, the old-time house-to-house peddler no longer tramps the public highway. Instead there have sprung up gigantic establishments which absorb all the activities in their particular branches, which have the world for a market, and which send out their own agents in all directions. There is thus no place for the middleman; but two classes are left, the employer and the employed, the absolute master and the dependent day-laborer.

The same course of things is traced in the chapter dealing with agriculture. Central and south Germany have become industrial; the peasants emigrated to America in great numbers, and the Poles and Russians took their places. By 1880 the eastern provinces of Prussia were largely in the hands of the new-comers. The government sought to remedy the evil (pp. 396–405) by purchasing large areas of land from the greater landlords and then selling on easy terms to peasant farmers. Much good seemed to be done before 1895 in this direction. Still the migration to the industrial centers continued, and thousands sought homes in the United States.

Another problem had been in the way for years: foreign (particularly American) competition in agriculture kept the price of farm products low with the tendency to go still lower. In 1879 the new German Empire undertook to remedy these evils by a protective tariff and by the payment of bounties on sugar and other agricultural products; but the tendency to create great estates owned and controlled by capitalists at once became manifest, and the small farmer was scarcely any better off than before. Despite all efforts to the contrary, the population continued to divide into two sharply defined classes with antagonistic interests and aims. Besides this the cities continued to grow enormously, and the population almost doubled in the forty years after 1860. The principle of unrestrained competition instead of bringing relief brought only the conviction that the vast body of the people were bound once for all to the few strong and masterly minds — the captains of industry and commerce, the "self made man" becoming rarer as the years went by.

Gradually the so-called "fourth estate" came into full realization of its existence, and universal education taught it still better to know its powers and how to exercise them. This class combined first in the form of labor-unions, which rapidly merged into a great political party. Meanwhile the capitalists united their strength, first in companies, then in trusts, and finally in still greater trusts which almost absolutely controlled both the purchasing and the selling prices of a large number of commodities. So the end of the nineteenth century brought the two great classes of society face to face in sharpest opposition and armed as for a conflict. Both were trained, determined, and powerful, both were essential to modern civilization.

To the author this state of things cannot long endure. Some bounds must be set each party. And already a beginning has been made by the capitalist class in controlling production and the market; already the principle of free competition and universal opportunity has run its

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course and a second age of *Gebundenheit* is at its door. It will be the state this time which will step in and regulate and control, giving to each man his due and directing what the vocations of individuals shall be. Is not this the teaching of Karl Marx? Indeed our author is outspoken in approval of many of the great socialist's views. There is thus not so much that is new in the volume before us; its method, its combinations, as well as its deductions, are what mark the work as one of great importance. The question as to whether this is history need not concern those who believe that history has to do with all the thoughts and acts of men.

Lamprecht's next volume will treat of the political history of Germany in recent times, and until that appears the historian must in a measure suspend his final judgment of the work as a whole. One thing must be said, these new volumes prove conclusively the breadth and depth of their author's culture as well as the thoroughness of his investigations.

WILLIAM E. DODD.

History of Philosophy. By William Turner, S.T.D. (Boston and London, Ginn and Co., 1903, pp. x, 674.) The author of this history candidly admits that it is written from a particular standpoint, that of Roman Catholicism (preface, v), but throughout his work he shows also a desire to be both comprehensive and fair-minded, and he lays claim to the empirical or *a posteriori* method. His book, too, is confessedly no more than a text-book, giving in outline the systems of philosophy from the earliest times down even to the present day and making some effort besides to indicate the historical relations of the different systems to each other; yet it is really both more exhaustive and in spite of its exaggeration of the importance of Scholasticism often more scholarly than many more pretentious works; and its estimates of the philosophers, even of those of quite recent times, have the marks of study and appreciation. In fact Dr. Turner's *History of Philosophy* certainly deserves a place among all those works in philosophy, of which Protestants have written many, that are, I will not say theologically apologetic, but in spite of their common conceit of the *a posteriori* method thoroughly imbued with the idea that philosophy, though "determining to a large extent the literary, artistic, political, and industrial life of the world" (p. 2), has really no vital influence on the religious life, "the religious view and the rationalistic view of every question" being essentially distinct (p. 215). Perhaps of such books the real value is more in the history which they make than in the history which they recount, since they invariably start controversy, and even their own immediate patrons are never wholly protected against bringing the religious view and the rationalistic view into more intimate relationship.

Naturally Dr. Turner feels his keenest interest in Scholasticism, and it must be conceded that his reproach (preface, i) of those who either "dismiss the Scholastic Period with a paragraph" or "treat it from the point of view of German Transcendentalism" is by no means undeserved. True, with nearly a third of his book devoted to the Scholastic philosophy,

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he must seem to have given his history false proportions, but the practice of others, not less biased in other directions, is a fair excuse, and any student of the history of philosophy, whatever his viewpoint, must find worth in so thorough a summary of a much-neglected period. The conciseness of many of the expositions, however, and the occasional introduction of somewhat technical terms without adequate explanation are bound to make the reading rather difficult. A. H. LLOYD.

The third volume of the English translation of Helmholt's *History of the World* (New York, Dodd, Mead, and Company, 1903, pp. xvi, 762) is devoted to western Asia and Africa. Babylonia, Assyria, Elam, Syria, Armenia, Media, Persia, Phœnicia, Carthage, Israel, and Arabia before Islam are treated by Hugo Winckler; Mohammedan western Asia and Africa, except Egypt, by Heinrich Schurtz; and Egypt, by Carl Niebuhr. Considering the enormous mass of matter crowded into a comparatively small space, the literary form of the work is good — the narrative is generally clear, and there is no appearance of hurry · it is a pity, however, that in many cases the cumbrous German spelling of proper names has been followed in the English translation, for example, "Sendschirli" instead of Zenjirli. In the history of the ancient world the avowed purpose of the writers is to depend on nothing but documentary evidence; and the description of the native tribes of Africa is probably the fullest and most accurate that has yet appeared. A good point in the work is the introduction of ethnological material, though it must be confessed that the ethnological discussions are often unsatisfactory. A little space is given to the higher religions — Babylonian, Hebrew, Aramean, Egyptian, Persian, Mohammedan — but none to the cults of the African tribes, though these last are interesting and important. In the construction of the obscure accounts that have come down to us of the populations of western Asia in the second millennium B. C. a proper reserve is sometimes shown — the Hittites, for example, their origin, race, and language, are left as an unsolved problem. In the later history, also, recent researches have raised more questions than they have answered Cyrus's position before he became King of Persia is by no means clear. Early African history is involved in doubt: the origin of the negro is still unknown, though Schurtz suggests an historical relation between negroes and Australians. In some cases hypothetical constructions are given as history. Winckler has incorporated in his narrative some of his favorite theories: he regards the whole of Western-Asiatic civilization as proceeding from Babylonia — a thesis of which there is no definite historical proof; he decides that the Phœnicians could not have given the final form to our alphabet, on the ground that such an achievement must have been the work of a great center of culture, and that this center could only have been Babylonia — a point on which we have not sufficient evidence to form a final opinion, the material having increased greatly in the last few years, and the views of scholars differing accordingly; he stands almost alone in representing David as the founder of the cult of

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Yahweh (Jehovah) in Northern Israel. The personal point of view comes out in the account of the procedures of modern European nations in Africa; the occupation of territory by France and Germany is represented as normal expansion, English occupation as grasping and selfish. In spite of these blemishes, the volume is a notable contribution to our popular historical material. Its value is increased by numerous maps and illustrations. C. H. Toy.

The third *Lieferung* of Liebermann's *Gesetze der Angel-Sachsen*, containing the preface and introductory matter (lxii pp.) and text (pp. 373–675), completes the first volume. The text contains in the first part miscellaneous Anglo-Saxon laws and legal documents not connected with the name of any king, and in the second the Anglo-Latin legal writings of the first half of the twelfth century associated with the names of Cnut, Edward the Confessor, William I., and Henry I. In the first part, of especial interest are the numerous formulæ for ordeals giving the ecclesiastical ritual in full, some not before in print. In the second part, easily the most important is the new text of the Leges Henrici, but it is no small thing to have in definitive texts the legislation attributed to William and the portions not printed earlier in the volume of the Quadripartitus, the Instituta Cnuti, the Consiliatio Cnuti, and the Leges Edwardi Confessoris. In his preface, dated in the spring of 1903, the editor announces that the second volume, containing his notes, was then practically ready for the press, and the third, the glossaries, one-third ready. G. B. A.

The Decline of the Missi Dominici in Frankish Gaul. By James Westfall Thompson. (Chicago, University of Chicago Decennial Publications. Reprinted from Vol. IV., 1903, pp. 22.) Dr. Thompson treats this subject as a "chapter in the history of feudal origins." In an interesting discussion he shows the manner in which the "authority of the *Missi Dominici* fell to bishops, dukes and counts in the extent of the jurisdiction of each." He traces the "increasing localization of the *Missi Dominici*" until, in 884, he records the last "recognition of the *Missi Dominici* as a governmental institution." Then the term was applied to the members of the clergy appointed to maintain order.

His article, although containing little that is entirely new, is the best treatment of the subject that we have. D. C. M.

Facsimiles of Royal and other Charters in the British Museum, Vol. I., William I. to Richard I., edited by George F. Warner and Henry J. Ellis, is a fine example of modern facsimile-making and at the same time a fine example of editorial work. The charters reproduced are themselves beautiful specimens of medieval charter-writing, and they are with slight exceptions in perfect condition. An extended text of each document is printed, with extensions indicated by italic type, and the editorial comment is very complete, especially as concerns the chief personages, with full references to both manuscript and printed sources and secondary

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works. The only thing one misses is an explicit reference to the place or places in which any of the charters have been previously printed, though this is often indirectly given. Seventy-seven charters are reproduced, of which twenty are royal; one is given from each of the first two Norman reigns, while eleven are dated in Henry I.'s, twenty-two in Stephen's, thirty-four in Henry II.'s, and eight in Richard's. There is in the list no document of importance previously unknown, but it is a great advantage to have in facsimile many already in print in full or in part. Institutionally the most interesting is No. 17 — here dated 1138–1148, perhaps 1138–1140 — which contains the very important passage on scutage, already used by Mr. Round, which shows conclusively that at that date it had been long enough in use to be expected at either one of two rates, twenty shillings or one mark on the knight's fee. No. 55 is the earliest known original record of a fine, dated June 29, 1176, printed in Round's *Feudal England*, page 514. The "sheriff of Lewes," in the address of No. 31, should be compared with the "sheriff of the honor of Pevensey" in No. 1205 of Round's *Calendar of Documents in France*. The same document gives evidence of the existence of a merchant gild at Lewes as early as the Domesday Survey. Other interesting documents are noted in the editor's preface. It is to be hoped that this very creditable series of facsimiles will be speedily continued by the authorities of the museum. GEORGE B. ADAMS.

The four *Studies concerning Adrian IV.* which Professor Oliver Joseph Thatcher contributes to the fourth volume of the "Decennial Publications" of the University of Chicago (Chicago, The University Press, 1903, pp. 88) are prestudies for his forthcoming life of that pope. The first two deal with questions raised by the discussion of the much-discussed bull *Laudabiliter*. They aim to make more accessible to English readers the conclusions reached in this controversy a decade ago by Scheffer-Boichorst; and to the memory of that eminent scholar, Mr. Thatcher's "teacher and friend," these studies are dedicated. Like his master, Dr. Thatcher upholds the credibility of the pope's offer of Ireland to the English king, whether the bull be genuine or not; and like his master, he denies the genuineness of the bull. To the demonstration of these two theses the two studies are respectively devoted; and while footing frankly on the work of Scheffer-Boichorst, they somewhat expand his arguments and show excellent knowledge of the literature as a whole. Yet Mr. Thatcher surely goes too far when he ascribes to Dr. Liebermann, in 1892, the earliest suggestion that the credibility of the grant does not depend on the genuineness of the bull. Pflugk-Harttung had not less clearly pointed this out; nor was he the first to do so. Dr. Thatcher's third study breaks new ground. It deals with "the supposed letter of Henry II. to Adrian IV." on that pope's accession, and by a searching analysis discloses the best of reasons for believing this hitherto unimpeached document a mere student's exercise. The subject of his fourth study is the letter of Gerhoh of Reichersberg

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to Pope Adrian *de novitatibus hujus temporis* — *i. e.* on the heresies and abuses of the twelfth-century church. This letter — it is really a treatise — is here for the first time published in full from the one extant manuscript, now in the monastic library of Admont in Austria. Enriched by Dr. Thatcher with an introduction and notes, it claims much more than the half of his eighty-eight quarto pages. G. L. B.

The Story of Siena and San Gimignano. By Edmund G. Gardner. (London, J. M. Dent and Company; New York, The Macmillan Company, 1902, pp. xiii, 391.) Now that Siena has been discovered, there is taking place the usual rush of literary *conquistadores* thither. Among the first-fruits of their occupation is this work, in which even a friendly search will hardly discover any of the qualities of the strong, brown soil wherein it has its roots. The historical sketch, which covers about one-third of the book, never by any chance penetrates below the surface, nor makes really intelligible the movement of Sienese politics. The development of the constitution, the struggle of the classes, are enigmas to the author, which he solves by ignoring. The treatment of the arts is more satisfactory, chiefly because in this section he makes no pretense to do more than present the conclusions of a few eminent predecessors. There is an entire absence of originality — a rather fatal defect in a work of criticism — but we note gratefully that no effort is made to hide this deficiency under a tumultuous rhetoric. In fact a sustained Christian humility is, if not the only virtue of the book, at least the most conspicuous. Fully one-half the chapters, on being strung together, constitute a complete guide to the monuments of Siena. Here the author is more at home. His intimate acquaintance with the scene, his liberal though not always discreet use of the material of his predecessors, assure him a prominent place in the pedestrian ranks of the growing army of useful and uninspired Italian ciceroni. If it is not much to have soared above the dry pedantry of Baedeker, it is somewhat to take rank with Heywood and Olcott, who now no longer hold the field unchallenged.

The book closes with two chapters in a more elevated spirit on that precious relic of the middle ages, San Gimignano Excellent photogravures and worse than mediocre drawings are scattered among the pages. F. S.

It is a well-conceived and well-written book which Dr. Joseph Combet, professor of history in the lycée of Vesoul, has just given us on *Louis XI. et le Saint-Siège, 1461–1483* (Paris, Hachette, 1903, pp. xxviii, 320). His materials he has found mainly, not in the letters of Louis, whose successive volumes have been throwing so vivid a light upon that prince's character and policy, but in Italian archives — at Milan, at Mantua, at Venice, and, above all, at Rome. From his personal researches in these Dr. Combet brings back not only the cogent narrative of his text, but a hundred pages of appended documents. The book offers us no new conception of Louis's character — he is still "the universal spider, spinning

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day and night new schemes." "Freedom from scruple, confidence in fortune, the ability to choose men or to win them, '*grande largesse*' (to borrow the phrase of Commynes), a marked preference for petty intrigues and tortuous methods, extreme finesse which sometimes degenerates into vulgar trickery, incomparable suppleness, cold-blooded cruelty, forgetfulness of past injuries, a very clear notion of the absolute power of the state, these are in brief," says M. Combet, "the characteristic traits of the so complex nature of Louis XI." Nor does this latest writer differ materially from the earlier as to the aims which dominated Louis's relations with the popes — at home to gain the absolute control of the Gallican church, in Italy to play the arbiter, biding his chance to play the master. It is the sinuous path that led to these goals which M. Combet's researches illumine. The popes themselves, as he shows, were Louis's masters in diplomacy; but he soon surpassed his teachers. "With Pius II. he completed his apprenticeship"; and, if Pius outwitted him, "he flouted Paul II. and forced Sixtus IV. to a division of the spoils." Nor will Dr. Combet admit, as historians have been wont to do, that on his deathbed the King sacrificed policy to piety. Old and sick, he seemed an easy dupe; but it was only the more effectively to dupe his adversaries. He was made arbiter of the quarrel between Rome and Venice. The pope even offered him the investiture of Naples. He was in very truth the suzerain of Italy, where his prestige had supplanted that of Empire and of Papacy and opened the way for a Charles VIII. and a Louis XII. In France a clergy now essentially royal seemed about to become a new instrument of despotism. Louis "recueille les fruits de sa politique, fait céder la papauté, sauvegarde les droits de la royauté et meurt en triumphateur." G. L. B.

Mémoires de Philippe de Commynes. Nouvelle édition publiée avec une introduction et des notes par B. de Mandrot. [Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire.] (Paris, Alphonse Picard et Fils, 1901, 1903. Two volumes, pp. cxl, 473, 483.) Of the one hundred and twenty-three editions which attest the extraordinary popularity of the *Mémoires* of Commynes, only one, that prepared by Mlle. Dupont for the Société de l'Histoire de France and published between 1840 and 1847, is really good, and this has become exceedingly difficult to obtain. Since its appearance new manuscripts have come to light, and the progress of historical studies has added considerably to our knowledge of Commynes and his time, so that there is ample opportunity for a new edition; and lovers of the *Mémoires* will not be disappointed with the way in which the latest editor has performed his task. M. de Mandrot has been the first to establish the text of the work by a careful collation of the various manuscripts and early imprints, and the first to utilize the most important manuscript of all, a volume once the property of the niece of Commynes, Anne de Polygnac, Comtesse de la Rochefoucauld, upon which his edition is based. Besides furnishing the best readings, this manuscript is the only one which contains the last two books of

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the *Mémoires*, covering the reign of Charles VIII. The editor has supplied a substantial introduction and an abundance of historical notes, and has produced an edition worthy of the admirable series in which it is issued. C. H. H.

A second publication edited by Mr. Hubert Hall's pupils under his direction calls attention to the value of the work which he is doing as instructor in palæography and diplomatics in the London School of Economics and Political Science. The present volume is *The Pipe Roll of the Bishopric of Winchester, 1208–1209* (London, P. S. King and Son, 1903, pp. xlviii, 100), the earliest of these rolls surviving to the present time. The book contains a general introduction discussing important subjects suggested by the record, tables analyzing and combining the accounts, an extension of the text, a glossary, and an index. The text, occupying eighty-four small folio pages, is a most important addition to our early economic sources in print, containing the accounts of thirty-seven manors, and it also adds slightly to our knowledge of the movements of the king and court during this year. The accounts are those of the bishop's manorial officers rendered at his exchequer at Wolvesey and are recorded in general imitation of those of the royal exchequer, though confined to the manorial returns. The bishop's exchequer and the method of making up the record and classifying the accounts are discussed in the introduction. G. B. A.

The Great Marquess. Life and Times of Archibald Eighth Earl, and First (and only) Marquess of Argyll (1607–1661). By John Willcock. (New York, Charles Scribner's Sons, 1903, pp. xxiii, 396.) This large volume is essentially controversial in character. Its purpose is to defend the reputation of a religious leader whose harsh treatment at the hands of modern historians is unwelcome to his coreligionists. Ordinarily, such works deserve scant attention from any one whose interests are historical and not theological; but the present volume rises above the ordinary works of its kind. It is written in a spirit of entire courtesy which illustrates in a striking manner how far we have left behind us the times of theological strife with which it deals. It is, moreover, written with unusual fullness of knowledge, and with a keenness of interest which adds charm to the narrative, although it is not conducive to historical aloofness. The author relates in great fullness and with some new information the life and times of the Great Marquess, yet after all one cannot feel that he has really discredited Mr. Gardiner's conclusions. The volume is admirably printed and has ten illustrations, mostly portraits. There is an appendix of especial interest consisting of some twenty pages of letters and documents, some of them hitherto unpublished. G. J.

Oliver Cromwell, H.H. The Lord Protector and the Royalist Insurrection against his Government of March, 1655. By Sir Reginald F.D. Palgrave, K.C.B. (London, Sampson Low, Marston, and Company,

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1903, pp. xiii, 106.) We have here a recapitulation, with some variations and scanty additions, of material already several times published, first in the *Quarterly Review* (April, 1886), in the *Times* (January 12, 1888), in the *English Historical Review* (July, October, 1888; January, 1889), and finally in a bulky book entitled *Oliver Cromwell, an Appreciation* (1890). Palgrave's attempt in all this writing has been to prove that Cromwell himself manufactured the plots against his own life. To reach this conclusion, he quotes broken phrases without regard to their context; makes unjustifiable inferences from dark and doubtful utterances; relies upon the prejudiced assertions of the enemies of Cromwell; and takes statements of men who were quoting at third and fourth hand as if these were veritable excerpts from Holy Writ. Such methods never can elicit the truth, and this failure in Palgrave's case was exposed by Mr. Firth in the *English Historical Review* for 1888 and 1889. Point by point, the historian conclusively proved that Palgrave had not a shred of evidence for his contentions. Later, Mr. Gardiner, provoked by a challenge in respect to Henshaw's Plot, replied in a crushing article published in the *Athenæum* (May, 1898). He concluded that "Sir Reginald was hopelessly wrong," and added that Palgrave's use of quotations furnished "a sad example of the result of a fixed idea in preventing the holder of it from observing the commonest rules of serious inquiry."

These criticisms have produced some effect. Palgrave still insists upon his main contention, but his position has been considerably modified. Thus, though still declaring that Cromwell superintended the plot, he admits that possibly he was not aware of the plans of the army officers to mislead thoughtless royalists who had come to England to head an insurrection (p. 78). His tone is much more temperate; he wishes, he says, to treat the Protector with "the respectful consideration that he justly commands," and though lamentably failing in this, one must be grateful for the attempt. Finally, he modifies his former arguments, lays less stress upon some of them, and omits others altogether.

Moreover, he properly lays stress upon the fact that Cromwell was not sole master in England, but as the servant of the army was forced to do many things which he would have preferred not to do. Here he agrees with Gardiner. In another respect he commendably follows Firth, and properly emphasizes the fact that the attempt to make Cromwell king was an attempt to establish a civil government by overthrowing the government of the sword. R. C. H. C.

Professor Alfred Cauchie of the University of Louvain has issued in pamphlet form his recent articles in the *Revue d'Histoire Ecclésiastique* entitled *Le Gallicanisme en Sorbonne d'après la Correspondance de Bargellini, Nonce de France* (Louvain, 1903, pp. 52). The study is based upon the unpublished letters of the nuncio in the period from 1668 to 1671, preserved in the Vatican archives, and indicates that the Gallican movement was more active in these years than has commonly been supposed. C. H. H.

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Economics and Politics in Maryland, 1720–1750, and the Public Services of Daniel Dulany the Elder. By St. George Leakin Sioussat, Ph. D. [Johns Hopkins University Studies in Historical and Political Science, Series XXI., Nos. 6–7.] (Baltimore, The Johns Hopkins Press, 1903, pp. 84.) This monograph deals with a period in Maryland history on which comparatively little has been written, and the material to which the writer must go is still almost wholly only in manuscript; a portion of the manuscript records for a few years, also, are so far decayed as to be in a considerable measure illegible. The salient features of the period, as Dr. Sioussat in some measure makes clear, are peaceful relations with the rest of the world, but vigorous and unceasing strife within, which strife was primarily due to a conscious need of a regulation of the tobacco industry confronted with the jealousy of the planters toward the officers, the lawyers, and the clergy, who were paid for their services in tobacco. This condition gave rise to numerous other disputes, was instrumental in effecting the issue of paper money, in giving opportunity and prominence to the founder of the influential Dulany family, hastened the introduction and progress of general agriculture, and through such movements contributed largely to the cause of popular government.

Dr. Sioussat's collection of material is better than his use of it; his style lacks unity, clearness, and life. He seems, also, to labor too much under the impression that the value of his work lies in throwing here and there a ray of light on the succeeding period rather than in elucidating thoroughly the one he had in hand. NEWTON D. MERENESS.

Mr. Augustus C. Buell's *Sir William Johnson* in the Appletons' "Series of Historic Lives" (New York, 1903, pp. vii, 281) is a very readable biography of a man who exerted a considerable influence upon the history of the colonies in general and the history of New York in particular. One will hardly turn to this book for new information on the famous Indian agent; Stone's *Life* still remains the most exhaustive and authoritative account of Johnson, upon which such subsequent writers as Buell and Griffis have evidently drawn. But the general reader, for whose benefit the series is planned, will find the volume attractive. It seems a worthy companion of the two excellent volumes from the pen of Mr. Thwaites. As is perhaps natural with biographers, Mr. Buell takes on the whole a favorable view of his subject, and as a rule gives him the benefit of any doubts. He is at particular pains, for example, to defend Johnson against the attacks made upon his private life. Especially does the author resent the insinuations of Griffis and the aspersions which Parkman with his "Boston point of view" casts upon the character of Johnson and the woman whom he married, Katharine Weisenberg. The baronet's cohabitation with Indian women, when it seems exceedingly probable that he might have married some white woman, Buell explains on the ground of "statecraft", that Johnson "wanted a housewife who could make his Indian guests . . . feel at home." "His fortunes depended on his influence with the Indians. Without that he could

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never have been anything more than a settler in the Mohawk Valley; richer perhaps than his neighbors but still only a settler. . . . No white women could have made Sir William's red henchmen feel at home in his house as Caroline Hendrick or Mary Brant could."

Johnson's connection with the Congress of 1754 leads the author to discuss the famous Albany convention, which he emphasizes perhaps too strongly as a "congress of delegates chosen for the specific purpose of forming a Colonial Union." Certainly the instructions that several of the colonies gave their delegates were not very specific on this point, and, strangely enough, in his enumeration of the colonies represented in the congress Mr. Buell omits the very colony (Massachusetts) whose instructions were most specifically in favor of the scheme.

Like others who have written of Sir William Johnson, Mr. Buell cannot resist the temptation to speculate on the position which the baronet would probably have taken, had he lived, in the Revolutionary War. Would Johnson in the end have stood on the side of the revolting colonists or would he have helped his king to crush the revolt? Perhaps for the very reason that the question cannot be answered, the topic is inviting, and the present author has handled it in a spirit both sane and judicious. He adds a bit of new testimony by publishing in the volume a statement made by Johnson's son-in-law, Daniel Claus. The statement contains an account of a conversation between Mollie Brant and a chief of the Senecas, during the course of which Mollie is reported to have "told the chief that she had often heard Sir William declare his fixed intention to live and die a firm adherent of the king."

C. H. Rammelkamp.

Arnold's March from Cambridge to Quebec. A Critical Study. By Justin H. Smith. (New York, G. P. Putnam's Sons, 1903, pp. xix, 498). In what seems to be a day of ephemeral but salable publications, it is a pleasure to find a volume of five hundred pages devoted to a critical study of the details of a military expedition. The ill-fated enterprise of Arnold against Quebec was such a plunge through the wilderness and along uncharted routes that more or less dispute has existed among writers and students concerning the identification of the exact way and the reconciliation of the former names of places and their present names. To solve some of these riddles was the purpose of Professor Smith. The thesis is also laid down and proved by the context that difficulties of the way rendered success impossible. The way led by the Kennebec and Dead rivers, skirting Lake Megantic and thence down the Chaudière river. The author first examines the maps and charts bearing on this route, and the journals kept by the members of the expedition. Having heard the witnesses, he considers every detail of the journey, reconciling names and identifying places in such a manner as to suggest the thorough personal investigation that he must have given the region. It would be manifestly impossible to pass judgment on the correctness of these identifications unless one were equally familiar with the localities. The copy of Arnold's journal among the Sparks papers in the library of Harvard

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University is the document mainly followed. The recital is confined closely to the subject and closes abruptly with the arrival at Quebec. One unique feature of the book is the number of pages devoted to notes, which almost exactly equals the number of pages in the narrative. These notes are devoted largely to a refutation of points made in Codman's *Arnold's Expedition to Canada* (1901). E. E. S.

The Confiscation of John Chandler's Estate. By Andrew McFarland Davis. (Boston, Houghton, Mifflin, and Co., 1903, pp. xiii, 296.) This volume, with its 117 pages of text supported by numerous foot-notes, and its 179 pages of appendix containing legal documents, is neither a romance nor a popular biography. Its aridity is almost perfect, but, for the student of the Loyalists, it is a mine of information. In no other source can the humdrum work of confiscating a Loyalist's estate be followed in all its irksome details. After an introductory chapter which apologizes for the book, there is a chapter tracing the hero's ancestry, picturing his monotonous prosperity until, in 1775, he offended the Whig party and was compelled to flee to Boston. There is a brief account of his flight to Halifax and thence to London, together with the important facts of the confiscation of his estate. In a chapter entitled "Legislation" there is a chronicle of the early measures taken in Massachusetts for the protection of the abandoned property of Loyalists, and the later acts for confiscating it. Laws and resolves giving to the Loyalist's creditors an opportunity to sue the estates for debts are discussed, as well as the laws for banishment or preventing the refugee's return. There follow chapters on the value of the estate, an analysis of the papers on the probate files showing the actual process of confiscating in a legal way, and finally two chapters on the court records and archives, and the London transcripts showing Chandler's attempt to get a compensation for his losses. The appendix contains copies of every paper relating to the confiscation — much valuable original material. C. H. Van Tyne.

Turgot and the Six Edicts. By Robert Perry Shepherd, Ph.D. [Columbia University Studies in History, Economics, and Public Law, Vol. XVIII., No. 2.] (New York, The Columbia University Press, The Macmillan Company, 1903, pp. 214.) The ideas of the Enlightened Despotism, though propagated chiefly by Frenchmen, never had a trial in that country except during the twenty-one months in which Turgot held the office of controller-general of the finances (1774–1776). The real value and the wisdom of the reforms projected by this enlightened minister were such that some historians, who have failed to consider the complexity of the conditions out of which the Revolution developed, have overestimated their importance and have fancied that the Revolution might have been averted had Turgot remained in office and had he been permitted to carry out his programme. Dr. Shepherd seems to have assumed the correctness of these views. Whether these views are or are not correct does not affect the interesting character of Turgot's at-

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tempted reforms, of which the most important were included in the six edicts of February, 1776, which dealt with the *corvée*, the Paris *octroi*, the Paris markets, the craft gilds, the Poissy exchange, and the tax on tallow. These edicts Dr. Shepherd has presented for the first time in English translation, and has accompanied them with explanatory chapters which constitute the most extended account of Turgot's reforms yet published in English. It is disappointing to find in such a work a number of annoying little slips, such as the hybrid "prévôt of merchants" (p. 13); the application of the name Parlement Maupeou to the temporary *Chambre royale* of 1753 (p. 14); the anachronism of placing the States-General of 1614 under the ministry of Richelieu (p. 35); the error of "Hue Miroménil" for Hue de Miromesnil (p. 22); and the lack of historical perspective shown in such sentences as, "It is probable that no such chaos of economic conditions has ever at any time confronted any Minister of Finance in any nation" (p. 41). Since Dr. Shepherd intends his bibliography to be complete, it is worth noting that the *Catalogue* of the library of the Peabody Institute furnishes references to several additional articles in periodicals, and the *Catalogue* of the President White Library of Cornell University contains this additional title, *Les hommes de la Révolution par un publiciste. Turgot Paris*,, 1876), a pamphlet of 125 pages. The bibliographical details are not given with sufficient care or fullness. The book will prove useful to the English reader, but the student who uses French will prefer to go to the originals and to consult such writers as Foncin and Neymarck. The discussion of the German writings concerning Turgot in the first chapter of Part II. is worthy of special note. G. M. D.

Early Political Machinery in the United States, by George D. Luetscher (Philadelphia, 1903, pp. 160) is an essay presented at the University of Pennsylvania for the Doctor's degree. Mr. Luetscher finds that the beginning of great changes in methods of nomination dates from the nationalization of parties under the administrations of Washington. Previously, the masses were "not involved in political calculations, save at times of great crisis." Such extra-legal machinery as existed was temporary. "The nation was therefore inexperienced in democratic organization when the administrative measures of Hamilton supplied a permanent issue upon which the people took sides." The growth of permanent party machinery during the thirty years following forms the subject of Mr. Luetscher's thesis. There are four chapters dealing respectively with "The Limitations upon Suffrage," "The Democratic Societies," "The Genesis of the County Convention," and "State Nominating Machinery." The first two chapters are well done. The conclusions drawn at page 15, from statistics given at page 16, are, however, not altogether correct. But the last two chapters are, from the nature of the case, unsatisfactory. The field is so broad and has been worked so little, that a lifetime of patient investigation would scarcely be more than sufficient for a comprehensive treatment such as, in the present

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case, has been compressed within a hundred pages. Such work is, however, the natural result of the present requirements for advanced degrees: the inexperienced student selects a subject big enough to fill the best years of his life, only to find that copy must be in by return mail. There is no adequate bibliography, and no index at all.

CARL BECKER.

Letters and Papers of Admiral of the Fleet Sir Thomas Byam Martin, G.C.B., edited by Sir Richard Vesey Hamilton, G.C.B., Admiral. Vol. I. (London, Printed for the Navy Records Society, 1903, pp. xxi, 384.) This volume completes the edition of Byam Martin's papers. Volumes II. and III., previously issued (*vide* AM. HIST. REV., V. 393; VII. 181), covered Martin's career from 1808 to his death in 1854, the present volume his earlier service as midshipman, lieutenant, and commander. Martin was born in 1773, the son of Sir Henry Martin, a captain of 1757, who died, comptroller of the navy, in 1794. In this volume fifty pages are allotted to Sir Henry's correspondence, including six letters from Captain Sir Erasmus Gower, written while conducting Lord Macartney to China in 1793, and eight of the year 1786 from Prince William (William IV.) lamenting a disappointment in love with Byam Martin's sister. The latter incident Sir Henry closed without incurring the resentment of the prince. William in fact professed an abiding interest in the family, a promise apparently meant but, according to Byam Martin, not kept. Of William's passive good-will there is no doubt.

Chiefly under the prince in his cruises as captain of the *Pegasus* and *Andromeda* in American waters, Martin passed his junior years of service, 1786–1789. His commission as lieutenant he received in 1790; as commander and captain, at the age of twenty, in 1793. His career from 1794 to 1807 is here given in the shape of letters. In this interval he captured the frigates *Tamise* in 1796 and *Immortalité* in 1798, captured or destroyed three convoys in 1799–1800, cut out the Spanish gunboats at Corunna in 1801, and saved the crews of the *Magnificent* off Brest and the *Venerable* off Torbay in 1804. Chiefly but not solely concerned with the years prior to 1794 are Martin's reminiscences and notes, which occupy the first half of this volume. Written apparently about 1833, they are at times inaccurate but never uninteresting. Martin, who at the age of eight attempted, with his brother's assistance, to thrash Prince William, then a midshipman of fifteen, is not conventional in his comments even upon royalty. The Duke of Kent's "aimiable little daughter, our future Queen," he terms "quite a humpty-dumpty"; and King George's command to Prince William, while on the *Pegasus*, to enter no foreign port, Martin ascribes to the desire to veil royal indiscretions within the domestic circle. By the description of William's uproarious celebration of his birthday on board, the precaution, it appears, was in place. These reminiscences, notwithstanding much humor in them, are instructive and on the whole serious. The introduction and editing of the volume is of the same excellence as in its predecessors.

H. M. BOWMAN.

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George Canning and his Times. A Political Study. By J. A. R. Marriott, M.A. (London, John Murray, 1903, pp. viii, 150.) The substance of Mr. Marriott's book consists of a rearrangement of a lecture delivered at Cambridge, and is rather an essay on the brief career of Canning as foreign minister than a biography, though a short description is given of Canning's rise as a politician. As an essay the work is wholly satisfactory, being readable and containing many interesting analyses of conditions surrounding Canning's life, and of personal characteristics, which largely molded his career and determined its limitations. Thus Mr. Marriott finds that Canning was distrusted by his contemporaries because he was too "clever" and too fond of theatrical display. His contributions to the *Anti-Jacobin* and his readiness in general with his pen created a feeling that solidity was lacking; while in debate his eagerness to grasp and use dramatic incidents seemed to indicate a preference for form rather than substance. No one, in fact, that has followed through the pages of Hansard the debates on the results of the Congress of Verona can fail to appreciate either Canning's "cleverness," or the skill with which he trapped his partially-informed opponents into advancing the very arguments he was best prepared to meet. Mr. Marriott would have us believe also that Canning was equally clever as a diplomat, ranking him above Castlereagh in this field, though acknowledging that Canning had no more actual sympathy with liberal movements *per se* than had his unpopular predecessor. But this diplomatic ability surely requires much proof. The man who defended the failure of his first important diplomatic negotiation by pleading that he had been hoodwinked by the French ministers cannot claim to rank in skill with Castlereagh.

If regarded as a thorough study, Mr. Marriott's work is not so satisfactory, not so much because of definite errors as because of careless statements. The author certainly knows better than to confuse the inception of the Holy Alliance of 1815 with the European Concert of 1818, but he assuredly leaves the impression that Alexander I. included among the principles of the alliance that "the territorial arrangements concluded at Vienna were to be guaranteed." Again, he states that when Canning took office in 1822 the Greek insurrection was already regarded in England as a problem of first-rate importance. Yet it is impossible to find either in the newspaper press, the ordinary memoirs of the period, or, particularly, in Hansard anything more than a curious and remote interest in the affairs of Greece before 1826. To assert the contrary is to mistake historical for contemporary emphasis. But in general Mr. Marriott's "appreciation" of Canning, for such the book professedly is, rather than a careful study, is decidedly interesting and suggestive.

E. D. Adams.

The India of the Queen, and other Essays by the late Sir William Wilson Hunter, edited by Lady Hunter with an introduction by Francis Henry Skrine. (London, New York, and Bombay, Longmans, Green, and Co., 1903, pp. xviii, 277.) This volume, containing as it does a series of brilliant essays, with one exception already published in various

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newspapers and magazines, presents in popular form the conclusions to which the author came regarding the real meaning of the British empire in India. In addition several topics of less general interest — missionaries, oriental scholarship, Aurangzeb, geography, and politics — are treated. The essay which gives the volume its title is a reprint of a series of articles which appeared in the *Times* in 1887. Here are described the extension of British rule in India, the consolidation of administration, the conciliation of native princes and peoples, and the education of natives. India of the Queen is the "beginnings of a nation," and British policy has tended to the creation of a united, educated India. Interesting as is this essay, that on "England's Work in India," being lectures delivered at the Philosophical Institution in Edinburgh, is more valuable. Here is to be found within a hundred pages one of the best statements in English of the conditions of British rule in India. The "work done" is declared to be protection of person and property, and development of the country and its people; the "work to be done" is defined as the adjustment of the food supply to the growing population, and the maintenance of a government on European standards of efficiency from an Asiatic scale of revenue. These essays were well worth reprinting.

A. L. P. D.

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COMMUNICATION

The Early Norman Jury

I have read with very great surprise, in Mr. Haskins's valuable article on "The Early Norman Jury" (Am. Hist. Rev., VIII. 613 ff.), his comments on my *Calendar of Documents Preserved in France*. Mr. Haskins asserts that "one's faith in the thoroughness of the editor's researches is sadly shaken by the discovery that in spite of the obviously close connection of the diocese of Bayeux with English history, Mr. Round did not examine any of the cartularies of Bayeux cathedral, the monastic cartularies of the diocese preserved in the cathedral library, or the cartulary of the hospital of Bayeux." He is good enough to add that "Very likely the example may not be typical," but he must be well aware that it is precisely the reverse. For the Bayeux documents are relegated to an appendix at the end of my volume, on the express ground (as explained in a note) that I was unable to visit Bayeux for their collation. The reader, therefore, is duly warned that this section of my work stands on a different footing.

The case of the Bayeux documents is peculiar, for such documents are usually found in the Archives Départementales, all of which I visited. Mr. Haskins justly says that I "labored under the disadvantage" of having to base my work "upon a collection of old transcripts," and as a matter of fact, the Government only sanctioned the publication on the ground that these transcripts had been acquired at considerable cost by the old Record Commission with the intention of printing them, and that they ought to be made available for use in the form of a calendar. No further research was contemplated, and that which I undertook was voluntary on my part and was intended to increase the collection for the benefit of scholars. It seems, therefore, somewhat ungracious to complain that my additions were not exhaustive, as, except for my offer, there would have been none at all.

J. Horace Round.

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NOTES AND NEWS

Mr. W. E. H. Lecky, whose death occurred near the end of October, has been for more than a generation one of the best-known of English men of letters. His *History of the Rise and Influence of the Spirit of Rationalism in Europe*, published in 1865, introduced him immediately to a wide public; and the *History of European Morals*, which came out four years later, but confirmed his position as a writer possessing remarkable constructive power, and with it an attractive style. His genius for selecting and ordering facts appeared at its best in the *History of England in the Eighteenth Century*, which appeared from 1878 to 1890. Considerable portions of this work seem destined to be classic, and students of modern British history can hardly disregard any of it. Latterly Mr. Lecky gave his attention to practical questions and published, chiefly, *Democracy and Liberty* (1896), and *Map of Life* (1899).

The early autumn witnessed the death of Canon Overton, known for his writings in church history and biography. Many readers will recall, among his numerous productions, *The English Church in the Eighteenth Century*, which he did in conjunction with Mr. Abbey; *Life in the English Church, 1660–1714*; and *The Life of John Wesley*, in the series "English Leaders of Religion." His last published work was *The Nonjurors, Their Lives, Principles and Writings*, which will doubtless be standard for a considerable time.

By the death of Theodor Mommsen, which occurred at Berlin on November 1, historical studies have lost the active support of a great scholar, a great organizer and leader of other scholars, and a great writer. Some fifteen years ago he was already author of a thousand pieces, many small but others filling folios, and since then he has been producing almost continuously. The *Corpus Inscriptionum Latinarum*, the *Römisches Staatsrecht*, the *History of Rome*, large as each seems in itself, form but a part of his unparalleled output. At the same time he was constantly inspiring and guiding work by others. While half of the twenty-odd volumes of the *Corpus* are due to himself, for the rest he acted as editor; and in like manner he aided in the preparation of other collections undertaken by various German learned societies, chiefly the Berlin Academy. By such tremendous labor, combined with the most sensitive human sympathies, he made Roman history over. One could wish that all of the *History*, like the volume on the provinces and like the *Staatsrecht*, were the fruit of his later rather than his earlier years; but as it is, it will always command the attention of every serious student of the development of the Roman state. On at least the constitutional side of the subject, Mommsen was able to take good advan-

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tage of that preparation of materials on which he spent most of his life; and those who follow him will probably never appreciate in what condition Roman history was when he began upon it.

The death of the historian Onno Klopp occurred recently at Vienna. He will be remembered especially for a fourteen-volume work on the fall of the Stuarts and the succession of the house of Hanover, and more recently for a three-volume work on the Thirty Years' War to the death of Gustavus Adolphus. From Vienna comes news also of the premature death of E. Mühlbacher, professor of the history of the middle ages and of the auxiliary sciences of history, author of many studies in these fields, and director of the *Mittheilungen des Instituts für Österreichische Geschichtsforschung*.

Historical studies in Denmark have lost one of their principal leaders by the death of C. F. Bricka. Besides acting as director-general of the public archives, he wrote extensively, edited documents, managed two reviews, and latterly, with the aid of many collaborators, carried on almost to its conclusion the *Dansk Biografisk Lexikon*.

General Edward McCrady, second vice-president of the American Historical Association, died at Charleston, his native city, on November 2, at the age of seventy-one. His historical work, begun late in life though it was, was completed a year before his death, and his four volumes containing the history of South Carolina under the lords proprietors, under royal government, and in the Revolutionary period have deservedly taken high place among the many colonial and state histories.

General Bradley T. Johnson died at Rock Castle, Goochland County, Va., on October 5, 1903. He served in the Confederate army throughout the war with distinction and at the close took up his residence in Richmond for a few years and then moved to Baltimore, where he gave particular attention to constitutional law. As a writer he gained some note, among his best-known works being *The Confederate History of Maryland* and a *Memoir of General Joseph E. Johnston*. Just before the Spanish War he went to Cuba as a correspondent and wrote a series of interesting articles on the situation there.

Major Charles H. Smith, better known as "Bill Arp," died at Atlanta, Ga., August 25, 1903. Among his writings were *A Side Show of the Southern Side of the War* and *Georgia as a Colony and State, 1733–1893*.

The *University Record* of the University of Chicago for October, 1903, contains an account of the presentation of the portrait of Professor Hermann Eduard von Holst to the university. Notable among the addresses are those by Professor John Franklin Jameson on "Professor von Holst as a Historian" and by Professor James Lawrence Laughlin on the "Life and Character of Professor von Holst."

Professor Kendric Charles Babcock, recently assistant-professor of history in the University of California, was inaugurated as president of the University of Arizona on November 4, 1903.

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Professor St. George L. Sioussat has resigned his position in Smith College to accept the professorship of history and economics in the University of the South. He will begin his work at Sewanee in March.

Dr. J. W. Garner has been appointed instructor in history and public law in the University of Pennsylvania.

Dr. G. W. Scott, formerly of the University of Pennsylvania, who as research assistant in the Carnegie Institution of Washington is engaged in making an exhaustive study of the law of claims, has been appointed chief of the Law Division of the Library of Congress, and is about to sail for Europe to look up important works on foreign law for the library. It is his intention to make the Law Division the most complete in the United States, especially on the subject of claims, in which branch it has heretofore been very weak.

Volume II. of the *Annual Report of the American Historical Association for 1902* contains the sixth report of the Historical Manuscripts Commission, accompanied by the diary and correspondence of Salmon P. Chase. The Chase papers are grouped in the following divisions: The diary, from July 21 to October 12, 1862; Selected letters of Chase between 1846 and 1861; Letters from George S. Denison to Chase, 1862–1865; Miscellaneous letters to Chase, 1842–1870. These papers are preceded by a calendar of the letters heretofore printed and a chronological list of the letters in this volume. The editorial work is by the chairman of the commission, Professor E. G. Bourne, with the exception of that upon the Denison correspondence, which is by Professor Moore. The selected letters written by Chase are mainly from his correspondence with Charles Sumner and Edward S. Hamlin. The Manuscripts Commission announces that through the kindness of Mr. Worthington C. Ford it will be able to publish the diplomatic correspondence of the French ministers to the United States — Ternant, Genet, Fauchet, and Adet. The transcripts of this correspondence were made from the originals in the Archives des Affaires Étrangères in Paris for Mr. Ford and his brother, the late Paul Leicester Ford. The papers will be edited by Professor Turner, who states that they throw much light on the struggle for the Mississippi Valley and show clearly the policy of France from 1791 to 1797. It is hoped that this material will be published in the report for 1903.

The North Central History Teachers Association held its fifth annual meeting at Champaign, Ill., April 10, under the auspices of the University of Illinois. Reuben Gold Thwaites spoke on the subject "Historical Societies in Relation to the Teaching of History." He outlined the function of the societies as the collection and preservation of the sources of history, the function of the teacher being to lead the students to make use of the sources. Professor James A. James of Northwestern University made an informal report on "Some Considerations Connected with the French Interpretation of the X. Y. Z. Affair." By quotations from the despatches of Adet, Letombe, and other official representatives of

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France in the United States, he showed that these representatives invariably represented the majority of Americans as in sympathy with the French, a fact which goes far to explain the characteristic delays of the French diplomacy of the time. He said that the belief was general among French statesmen that their diplomatic policy had been the most potent cause of the downfall of the Federalist party. Talleyrand's own interpretation of the X. Y. Z. affair was shown to have been generally acceptable to Frenchmen of the time. President Draper spoke on his personal "Recollections of General Grant." Dr. Joseph Warren of the University of Chicago read a paper on "Shays' Rebellion," in which he dealt chiefly with the causes of the insurrection, which were economic rather than political; and with the action of the Congress of the Confederation. The last paper, by Mr. Frank Hamsher, principal of the preparatory department of the University of Illinois, dealt with the report of the Committee of Seven. Mr. Hamsher expressed the opinion that if only two years could be given, in most cases, to the study of history in preparatory schools, the attempt should not be made to take the pupil beyond the fourth century in ancient history. Following him, in discussion, Miss Harriet G. King of the Oak Park, Ill., High School, expressed the opinion that United States history and civics should be taught together throughout the year. At the business meeting the following officers were chosen: President, Charles W. Mann; Vice-President, Phoebe T. Sutliff; Secretary-Treasurer, James W. Fertig.

The second annual meeting of the History Teachers Association of the Middle States and Maryland will be held in Philadelphia, March 11 and 12, 1904. A programme of unusual excellence and interest to teachers of history in both colleges and secondary schools will be presented. Professor C. H. Haskins, of Harvard University, will read a paper on "The History Curriculum in the College." Dr. James Sullivan, of the High School of Commerce, New York City, will read the report of a committee of college and secondary teachers on "Coördination of Work of College and Secondary Schools in History." President Scott, of Rutgers College, will report for a committee of college professors on "What the College Expects of the Secondary School in Entrance Examinations in History." The reports of both committees will be discussed by college and secondary teachers. The address of the session will be delivered by President Finley, of the City College, New York City, on the subject, "A Precursor." The association desires all persons interested in historical study to become members. The fee is one dollar a year. Announcements will be sent to all who send their addresses to the secretary, Professor E. H. Castle, Teachers College, Columbia University, New York City.

Freeman's *Historical Geography of Europe*, which has been out of print for a number of years, has now been issued in a new edition, revised by Professor Bury (Longmans).

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The Cambridge University Press has just brought out an important work on the culture of ancient and medieval times: *A History of Classical Scholarship, from the Sixth Century B. C. to the End of the Middle Ages,* by John Edwin Sandys.

The history of political ideas is receiving special attention in these times. Messrs. Longman have published *The Political Theories of the Ancient World,* by W. W. Willoughby; and in London Messrs. Blackwood have begun to publish a *History of Mediæval Political Theory in the West,* by R. W. and A. J. Carlyle. The first volume of this latter work extends from the second to the ninth century.

Charles A. McMurry's *Special Method in History* (New York, Macmillan, 1903) outlines "a complete course of study in history for the grades below the high school" and attempts to indicate the materials for each year's study, to estimate their value, and to discuss and illustrate the method of handling them. The last chapter contains for each year select lists of books for teachers and pupils.

In the *Revue de Synthèse Historique* for August P. Lacombe continues his discussion of "L'Appropriation Privée du Sol, Essai de Synthèse", and P. Huvelin begins a general review of studies on the history of commerce, treating in this first article "Définition et Évolution Générale."

In *Historic Buildings as Seen and Described by Famous Writers* (New York, Dodd, Mead, and Co., 1903, pp. 340) the editor and translator, Esther Singleton, has brought together the descriptions of some fifty buildings well distributed over Great Britain, Europe, and Asia, and notable in art or history. The writings of such authors as Ruskin, Dickens, Symonds, Gibbon, Edmondo De Amicis, and Freeman have been drawn upon, and the work should be an aid to a realization of the various influences that have affected the development of the races whose monuments are described.

Central Asia and Tibet by Sven Hedin (two vols., London, Hurst and Blackett; New York, Scribners, 1903), would naturally be classified by the librarian in the field of geography or of travel; but so many teachers and students of history are interested in the problems of Asia that reference to these interesting and beautiful volumes is not out of place here. The author left Stockholm for his trip in midsummer, 1899, and returned to Sweden in June, 1902. The work of translation from the Swedish by Mr. J. T. Bealby seems to have been done with unusual success. Certainly the English style is good, fresh and vigorous. The story of the journey will be of great interest to the reader and of immense value to the future historian.

ANCIENT HISTORY.

The Code of Hammurabi, which was found in the winter of 1901–1902 by the French expedition at Susa, and which occupies the position of the oldest body of laws in existence, is the subject of a two-volume

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work to be published by the University of Chicago Press: *The Code of Hammurabi, King of Babylonia* (*about 2250 B. C.*). The first volume, announced for this January, contains map, text, transliteration, translation, glossary, historical and philological notes, and indexes, by Professor R. F. Harper. The second volume is to be given to "The Hammurabi and the Mosaic Codes, a Study in Babylonian and Old Testament Legal Literature," by President W. R. Harper.

The Macmillan Company has recently published *The Story of Rome as Greeks and Romans Tell it*, by George Willis Botsford and Lillie Shaw Botsford. The book is made up of selections from ancient authors, so arranged as to tell the story continuously. Questions accompanying the selections refer to Dr. Botsford's text-books in ancient history. It is likely to be of use, but the doubter may still wonder whether the average school-boy with the help of these pages will find Roman history more tolerable or more real.

W. Liebenam begins in the November number of the *Revue Historique* a résumé of publications in Germany and Austria from 1896 to 1902, relating to Roman history.

A collection of sources for Roman history in the period from 133 to 70 B. C. has been collected and arranged by A. H. J. Greenidge and A. M. Clay (Oxford University Press).

A life of the emperor Nero, intended for both the general reader and the student, appeared in the early fall: *Life and Principate of the Emperor Nero*, by B. W. Henderson (Philadelphia, Lippincott).

Noteworthy articles in periodicals: E. Meyer, *Kaiser Augustus* (Historische Zeitschrift, XCI. 3); V. Ermoni, *Manes et le Manichéisme* (Revue des Questions Historiques, October); M. Férotin, *Le Véritable Auteur de la Peregrinatio Silviæ: La Vierge Espagnole Etheria* (Revue des Questions Historiques, October).

MEDIEVAL HISTORY.

Questions connected with the currencies and wergelds of the Germans are now receiving unusual attention. Recently Mr. Seebohm dealt with such matters in his *Tribal Custom in Anglo-Saxon Law*, and again in an article in the *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* (1903, Heft 2): "On the Early Currencies of the German Tribes." Quite critical of Seebohm is Benno Hilliger, the second part of whose "Der Schillung der Volksrechte und das Wergeld" appeared in the *Historische Vierteljahrschrift* for October.

M. Ulysse Chevalier lately finished the second part of his monumental *Répertoire des Sources Historiques du Moyen Age*, that denominated *Topo-bibliographie*. At the same time he has undertaken a new edition thoroughly revised and enlarged, of the first part, the *Bio-bibliographie*. No amount of criticism of particular features of this bibliography will destroy its general usefulness (Paris, Picard).

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Professor Arthur S. Wilde contributed to the *Revue des Questions Historiques* for October a short article on the palace schools in the time of the Merovingians; in opposition to ground taken by Abbé Vacandard, in the same review for April, 1897, and in his recent life of St. Ouen.

The general index for volumes XLI.–LX. (1880–1899) of the *Bibliothèque de l'École des Chartes*, prepared by A. Dieudonné, was published recently. With it are incorporated summary indexes for volumes I.–LX. (Paris, Picard).

The second volume of the *Histoire de la Charité*, by Léon Lallemand, treats the first nine centuries of the Christian era. The following period, to the sixteenth century, is covered by volume III., which is now in the press (Paris, Picard).

The forerunners of the Reformation in the Romance nations form the subject of a recent volume by G. Bonet-Maury: *Les Précurseurs de la Réforme et de la Liberté de Conscience dans les Pays Latins du XII^e^ au XV^e^ Siècle* (Paris, Fischbacher). In the general field of pre-Reformation history, note also the fourteenth and fifteenth volumes of the Historische Bibliothek published by Oldenbourg in Munich: *Studien zur Vorgeschichte der Reformation, aus schlessischen Quellen*, by A. O. Meyer; and *Die "Capita Agendorûm"*, a critical study on the history of the reform negotiations at Constance, by K. Kehrmann.

Noteworthy articles in periodicals: G. Bonet-Maury, *Saint Colomban et la Fondation des Monastères Irlandais en Brie au VII^e^ Siècle* (Revue Historique, November); E. Déprez, *La Guerre de Cent Ans à la Mort de Bénoit XII. L'Intervention des Cardinaux avant le Conclave et du Pape Clément XI avant son Couronnement* (Revue Historique, September).

MODERN HISTORY.

There would seem to be ample room for Mr. J. J. Fahie's new biography of Galileo: *Galileo, His Life and Work* (London, Murray).

It is expected that the *Correspondance Inédite du Duc Victor-François de Broglie avec le Prince Xavier de Saxe, Comte de Lusace*, the first volume of which was published recently, will throw light on the history of the Seven Years' War, particularly the campaigns of 1759–1761. There are to be four volumes in all (Paris, A. Michel).

The sixth part of A. Sorel's *L'Europe et la Révolution Française* appeared in October. It deals with the years 1800–1805: "La Trêve: Lunéville et Amiens" (Paris, Plon-Nourrit).

Volume XXV. of the "Publications of the Navy Records Society" is entitled *Nelson and the Neapolitan Jacobins, Documents Relating to the Suppression of the Jacobin Revolution at Naples, June, 1799* (London, 1903, pp. cxvii, 347, 2 maps, bibliography). The object of the editor, H. C. Gutteridge, as stated in his introduction, is not to continue the controversy over Nelson's conduct, but to bring together and make accessible for English readers the evidence which bears on it and in which,

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the editor believes, is to be found the refutation of the charges against Nelson, so widely circulated through Southey's biography.

The *English Historical Review* for October prints a series of twenty letters from Colonel William Napier to Sir John Colburn which give information upon the character of Napier and upon questions concerning his *History of the Peninsular War*; how he was led to undertake it, the sources on which he relied, and his conception of the duties of an historian.

The private journal kept by Gourgaud while he was with Napoleon in exile furnishes an important record of life at St. Helena. It was published in 1898. From its twelve hundred pages, "almost all that Napoleon said to Gourgaud in familiar chats, about his past life, and his speculations as to the future" has been selected and translated into English by Elizabeth Wormley Latimer: *Talks of Napoleon at St. Helena with General Baron Gourgaud*, together with the journal kept by Gourgaud on their journey from Waterloo to St. Helena (Chicago, A. C. McClurg and Co.).

We have received a reprint of the interesting study which Professor G. des Marez contributed to the *Revue de l' Université de Bruxelles* for June-July: "Le Borgendael à Bruxelles dans sa Lutte contre l'Industrie Privilégiée."

The latest volume in the "Cambridge Historical Series" deals with the history of Russia in the nineteenth century: *The Expansion of Russia, 1815–1900*, by F. H. Skrine (Cambridge University Press).

The recent troubles of the Turkish empire furnish an appropriately dramatic setting for the publication of *The Life of Midhat Pasha*, which purports to be a record of his services, political reforms, banishment, and judicial murder derived from private documents and reminiscences, by his son Ali Haydar Midhat Bey (London, Murray).

Noteworthy articles in periodicals: G. von Below, *Die Entstehung des modernen Kapitalismus* (Historische Zeitschrift, XCI. 3); W. Friedensburg, *Des italienischen Priesters und Theologen Vincenzo Laurefici Reise durch Deutschland, die Niederlande und England (1613)*. I. (Archiv für Kulturgeschichte, I. 4); George Edmundson, *The Dutch on the Amazon and Negro in the Seventeenth Century*. Part I.: *Dutch Trade on the Amazon* (English Historical Review, October); J. F. Chance, *The Northern Question in 1716* (English Historical Review, October); A. Mansuy, *Le Clergé et le Régime Napoléonien dans le Duché de Varsovie, 1807–1813*. I. (Revue d'Histoire Moderne et Contemporaine, November); H. Hueffer, *La Fin de la République Napolitaine*. I. (Revue Historique, November); F. Rachfahl, *Österreich und Preussen im März 1848* (Historische Vierteljahrschrift, October); *The Pontificate of Leo XIII.* (Edinburgh Review, October).

GREAT BRITAIN.

A Social History of Ancient Ireland, by P. W. Joyce (Two vols., Longmans, 1903), is an attempt to "bring together all that is known"

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about "society, in all its phases, as it existed in Ireland" from the beginning of historic times to the Anglo-Norman invasion. The author divides the essay into three parts: I. Government, Military System and Law; II. Religion, Learning, Art; III. Social and Domestic Life. The volumes are copiously illustrated.

The Origin and Growth of the English Colonies and of their System of Government, by Hugh Edward Egerton (The Clarendon Press), is a revision with ample additions of Lucas's *Introduction to a Historical Geography of the British Colonies*. The volume is an excellent concise treatment of the topics suggested by the title. It contains, besides the ordinary narrative treatment of colonial history, the discussion of such subjects as the influence of the mercantile system on colonization and the labor problem in new colonies.

Major M. A. S. Hume has utilized the material which he edited in *The Calendars of Spanish State Papers* by writing a book on *The Love Affairs of Mary, Queen of Scots*. His theme is Mary's attempts to compete with Elizabeth in the employment of matrimonial intrigues to promote her political designs (London, Nash).

A considerable study in the history of the Restoration stands among the recent publications of Mr. Murray, London: *George Villiers, Second Duke of Buckingham, 1627–1688*, by Winifred, Lady Burghclere.

That indefatigable worker, Edward Arber, has issued the first volume of his reprint of the *Term Catalogues*, covering the books registered in London from 1668–1682. The connection between bibliography and writing of history has become so close that this rich store of information, hitherto inaccessible, is to be welcomed. Colonial writings are of frequent occurrence, and the editorial labors make the record even more useful than the original issues of those catalogues. His introduction points out the difficulties encountered in testing the accuracy of the original entries, and is sufficient to measure the debt due to this unselfish and painstaking worker.

The library of the American Philosophical Society possesses a manuscript history by the Earl of Crawford, consisting of four volumes with the titles: "Account of some Campaigns of the British Army from 1689 to 1712, and Journal of a Campaign under Prince Eugene on the Upper Rhine and Miscellaneous Papers," "Journal of a Voyage from the Thames to Russia and of Campaigning with the Russian Army, 1738–9," and "Journal of a Campaign with the Russian Army against Turkey, 1739." How these volumes came to be in this library is unknown.

Two volumes appeared lately which concern the principal events and characters in English history from the close of the eighteenth century to 1838: *The Creevey Papers*, being a selection from the diaries and correspondence of Thomas Creevey (1768–1838). The editorial work is by Sir Herbert Maxwell (London, Murray).

The nineteenth volume of the Columbia University *Studies in History, Economics and Public Law* opens with a number on "Josiah

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Tucker, Economist, a Study in the History of Economics," by Walter Ernest Clark. Professor Seligman, in an introductory note, expresses the hope that it may prove the first of a series of such studies to be issued under the auspices of Columbia, the aim of which will be to lay the foundations for a history of English economic thought.

The Scottish Historical Review, whose first number bears the date of October, 1903, opens with an article in the field of literary history: "The Lives of Authors," in which Professor Walter Raleigh gives an account of the earlier collections of printed biographies relating to English poets. Among other articles in this number are: "Lislebourg and Petit Leith," by T. G. Law; "Scotland Described for Queen Magdalene: a Curious Volume," by A. H. Millar; Letter from William Stewart to Ye Regent, 5 August 1569", by Andrew Lang; and "An English Letter of Gospatric", throwing new light on the history of Cumberland, by James Wilson. There are also interesting "Reviews of Books," "Queries," and "Notes and Comment." Besides, these contents are all presented in an attractive dress, including several excellent illustrations. In both matter and form this new periodical holds from the first an enviable place.

The history of the Scot abroad has received another contribution from Th. A. Fischer: *The Scots in Eastern and Western Prussia*, a supplement to his *The Scots in Germany* (Edinburgh, O. Schulze).

Among the notable recent books relating to modern British history are: a new history of the East India Company, *Ledger and Sword; or the Honourable Company of Merchants of England Trading to the East Indies (1599–1874)*, by Beckles Willson (Longmans); *A History of the Commercial Relations between England and Ireland from the Period of the Restoration*, by Alice E. Murray (London, King); *The Life of Lord Colborne, Field Marshal Lord Seaton*, compiled from his letters, recorded conversations, and other sources, by G. C. Moore Smith (London, Murray); and Lord Wolseley's *Story of a Soldier's Life*, 2 vols. (Scribner).

M. Charles Bémont begins in the *Revue Historique* for November a general review of recent publications relating to English history.

Noteworthy articles in periodicals: H. W. C. Davis, *The Anarchy of Stephen's Reign* (English Historical Review, October); J. H. Ramsay, *Chroniclers' Estimates of Numbers and Official Records* (English Historical Review, October); R. G. Usher, *James I. and Sir Edward Coke* (English Historical Review, October).

FRANCE.

We have received a reprint of an article on "La Royauté et l'Église en France, du IX^e^ au XI^e^ Siècle," by Jules Flach, which appeared in the *Revue d'Histoire Ecclésiastique* (IV. 3) of Louvain. The same matter will be found in the third volume of the *Origines de l'Ancienne France*, which is to be published soon.

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The fourth year of the *Répertoire Méthodique de l'Histoire Moderne et Contemporaine de la France*, which is now issued under the auspices of the Société d'Histoire Moderne, gives a systematic list of books and articles on the history of France since 1500 which were published in the year 1901. The usefulness of this annual bibliography extends with each issue. The current number, which has near 400 pages and 5,278 entries, is a fourth larger than its predecessor; and the subjects covered include this time the sciences and literary history. Besides, the classification has been decidedly improved here and there; notably, under interior political history, in the division between publications bearing on the "history of facts" and those relating to institutions (Paris, Société Nouvelle de Librairie et d'Édition). Students of American history will be fortunate when they have an aid like this at their disposal, and it is to be regretted too that there is no such annual list relating to English history.

M. Gabriel Hanotaux pursues his monumental work on Richelieu: *Histoire du Cardinal de Richelieu*. The second part of volume II. covers seven years of the history of Richelieu and of France, 1617–1624. The general subjects about which the narrative gathers are Richelieu as rebel, the European crisis of 1621, and Richelieu as cardinal and as prime minister (Paris, Firmin-Didot). It may be noted in this connection that the Société de l'Histoire de France, with the aid of the Institute, has undertaken a new edition of the *Mémoires du Cardinal Richelieu*.

The provincial intendants in the last years (1774–1789) of the ancient régime are the subject of a volume in Russian by Professor Paul Ardascheff, of the University of Odessa (St. Petersburg, 1900), accessible, at least in substance, to students outside of Russia. The *Revue d'Histoire Moderne et Contemporaine* in its September number publishes a résumé of the work prepared by the author himself: "Les Intendants de Province à la Fin de l'Ancien Régime."

As a sort of supplement to the *État Général par Fonds des Archives Départementales*, published in a new edition the past summer, the authorities in charge of the archives in France have undertaken the preparation of a rather detailed description of Revolutionary documents in the Departmental archives — a satisfactory description not being possible in the general publication. At least the series L (Administration de 1789 à l'an VIII) will be thus dealt with.

Messrs. Appleton announce that they will publish as a separate volume those parts of Lecky's *England in the Eighteenth Century* that relate to the history of the French Revolution.

In the *Revue Historique* for September and November M. P. Bliard studies at some length the acts of one of the persons employed by the Convention in suppressing the so-called federalist movement of the Departments against Paris: "Le Conventionnel Prieur de la Marne en Mission. Destitution des Autorités Constituées."

Among the recent books of interest to the student of modern French history are: *Le Président Hénault*, magistrate and man of letters of the

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eighteenth century, by Henri Lion (Paris, Plon-Nourrit); and *Jules Ferry, 1832–1893*, by A. Rambaud (Plon-Nourrit).

After years of labor upon long or special works on the history of French law and institutions, M. E. Glasson now writes a student's manual in the same field: *Précis Élémentaire de l'Histoire du Droit Français* (Paris, Pichon). It must needs be exceptionally good to compete with the well-known manual by Esmein.

Noteworthy articles in periodicals: L. Mirot, *Les États Généraux et Provinciaux et l'Abolition des Aides au Début du Règne de Charles VI (1380–1381)* (Revue des Questions Historiques, October); G. Saint-Yves and J. Chavanon, *Documents Inédits sur l'Administration de la Compagnie Française des Indes Orientales, ses Assemblées Générales de 1665 à 1684* (Revue des Questions Historiques, October); A. de Boislisle, *Le Grand Hiver et la Disette de 1709* (Revue des Questions Historiques, October, continued from the April number); H. Carré, *La Révision du Procès Lally, 1778–1786* (Revue Historique, September).

GERMANY, SWITZERLAND.

The first section of the second part of Mr. Robert Proctor's *Early Printed Books in the British Museum* was recently issued by Kegan Paul and Co., London. It deals with German books, of date between 1501 and 1520, and like the first part, on the incunabula in the museum, is less a list than an account of the printers of the time,—in what towns they were, their number and relations with each other, and what they did.

Accessible material relating to the history of the Hanseatic League is increasing rapidly. Volume IX. (edited by W. Stein) of the *Hansisches Urkundenbuch* contains charters for the years 1463–1470; about half the space is taken for 1468–1469. In addition to this collection, the Society for Hanseatic History has begun a series of inventories of pieces kept in the archives of towns that belonged to the League, and the second volume relating to Cologne was lately published, coming down to 1591: *Kölner Inventar*, edited by W. Eberhard (Leipzig, Duncker and Humblot). Many acts are published in full, in an appendix.

A large amount of work stands to the credit of the Historical Commission of Bavaria for the year preceding its twenty-fourth general session held in June last. Its publications include: of the *Jahrbücher des deutschen Reiches*, vol. I. of the series for Otto II. and Otto III., and vol. IV. of the series for Henry IV.; of the *Chroniken der deutschen Städte*, the third volume of the chronicles for Lübeck; of *Quellen und Erörterungen zur bayerischen und deutschen Geschichte*, the first volume, containing the complete works of Andreas of Regensburg, which are of special interest for the Council of Constance and the Hussite wars; and of the *Allgemeine deutsche Biographie*, vols. XLVII. and XLVIII. Work in preparation includes an edition of the letters of humanists of south Germany.

The work of Reinhold Koser on Frederick the Great, *König Friedrich der Grosse*, has been concluded in a second volume (Berlin, Cotta).

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Concerning Frederick note also an article in the *Archiv für Kulturgeschichte* (I. 4): "Aus dem Kabinette Friedrichs des Grossen. Streiflichter auf Personen und Zustände," by J. von Pflugk-Harttung.

The work of J. G. Mayer on *Das Konzil von Trient und die Gegenreformation in der Schweiz* was recently completed by the publication of the second volume (Stans, von Matt).

AMERICA.

The first volume of an *American Bibliography*, by Charles Evans (Chicago, 1903), has just been published. It purports to give, in chronological order, "all books, pamphlets and periodical publications printed in the United States of America . . . with bibliographical and biographical notes" from 1639 to 1740. The second and last volume will end with 1820.

Who Begot Thee? is the title of some genealogical and historical notes made by Gilbert O. Bent in an effort to trace his American progenitors. The collateral lines of Brown, Rice, Felch, Longley, and Bath are also indicated. (Boston, printed for private distribution, 1903.)

The Burrows Brothers Company announces the following reprints of Americana: John Eliot's *Logic Primer*, 1672, edited by Wilberforce Eames of the Lenox Library; *A Topographical Description of Virginia, Pennsylvania, Maryland and North Carolina*, by Thomas Hutchins, 1778, edited by Frederick C. Hicks of the Library of Congress; *Narrative of the Adventures of Zenas Leonard*, 1839, edited by Dr. W. F. Wagner; and *Narratives of Indian Captivities*, in a series of about ten volumes.

McClurg and Company have published in two attractive volumes Hennepin's *A New Discovery of a Vast Country in America*, a reprint from the second London issue of 1698. Facsimiles of original title-pages, maps, and illustrations are given. An introduction and careful critical notes have been prepared by Mr. R. G. Thwaites, while Mr. Victor H. Paltsits, of the Lenox Library, has made an elaborate and scholarly bibliography. Probably no narrative of early American discovery needed competent editing and annotation more than this tale by the boastful Recollect of his experiences in the New World. The notes prepared by Mr. Thwaites are numerous and helpful, and we may fully expect that this edition will for all practical purposes become the standard one.

A recent reprint of Americana is *A New Voyage and Description of the Isthmus of America*, by Lionel Wafer, edited with introduction and notes by George Parker Winship, and reprinted from the original London edition of 1699 by the Burrows Brothers, of Cleveland. As an example of the bookmaker's art, this reprint is almost ideal and the editorial work fully bears out Mr. Winship's reputation for careful scholarship.

Of interest to students of church history in America are *The Methodists*, by J. Alfred Faulkner, and *The Congregationalists*, by Leonard W. Bacon, both in the "Story of the Churches" series. "A Nest of Lib-

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erty," by Thomas Van Ness, in the *Outlook* for November 7, 1903, is an historical sketch of the Second Church in Boston, formerly known as the Old North Meeting House.

The first number to appear in the new series, "The History of American Art" (Macmillan), is *The History of American Sculpture*, by Lorado Taft, a sumptuous volume of over 500 pages, handsomely illustrated. About half the space is given to a consideration of the work of contemporary artists; the first part, 100 pages, in which the student of American *Kulturgeschichte* may be interested, covers the period from 1750 to 1850, ending with an account of the production of the Mill's statue of Jackson in Washington, which depicts the general seated on a rearing charger and calmly lifting his hat with the fastidious ease of Beau Brummel. The book is written in entertaining style and seems to the layman to have been done with judgment and knowledge. Succeeding volumes in the same series will be *The History of American Music*, by Louis C. Elson, *The History of American Painting*, by Samuel Isham, and *The History of American Etching, Engraving, and Illustration*, by Joseph Pennell.

John Dickenson's *Letters from a Farmer in Pennsylvania* have been reprinted by the Outlook Company, with an historical introduction by R. T. H. Halsey. As a specimen of book-making it is deserving high praise, involving, as it does, a reprint from type of the contemporary Boston edition line by line and page by page. Mr. Halsey contributes not only a balanced introduction, but the portrait of Dickenson and the porcelain statuette of Catherine Macaulay which serve as illustrations. The latter suggests a field of investigation as yet little known.

The *Biographical Congressional Directory, 1774–1903* (57th Cong. 2nd Sess. Ho. Doc. 458, pp. 900), should prove of great value for purposes of ready reference. It contains biographical notices of all members of the Continental and United States Congresses, and of the executive officers since 1789.

The War Department has published an *Historical Register and Dictionary of the Army, September 29, 1789–March 2, 1903* (two vols.), prepared by Francis B. Heitman. It is also published as Ho. Doc. 446, 57th Congress, 2nd Session.

In the *German-American Annals* (continuing the *Americana Germanica*) for November, 1903, "Waldeck's Diary of the Revolution" is continued and "Three Swabian Journalists and the American Revolution" is concluded.

The long-awaited Part II. of George Otto Trevelyan's *American Revolution* (Longmans, 1903) has at last appeared. In two volumes the author has continued the story of the struggle from the evacuation of Boston to the reorganization of the American army at Morristown.

The *Bulletin of the Bureau of Rolls and Library No. 10* (June, 1903, pp. 270), contains the third and supplementary part of the *Calendar of the Correspondence of Thomas Jefferson.*

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With the appearance of volume VII. of *The Writings of James Monroe* (Putnams), edited by S. M. Hamilton, that important set is completed. Volume IV. of Hunt's *Writings of James Madison*, which completes the "Journal of the Constitutional Convention," has just been published.

The *Private Journal of Aaron Burr, 1808–1812* (two vols., Rochester, 1903), edited, with introduction, notes, and glossary, by William H. Samson, is reprinted verbatim and in full from the original manuscript in the library of William K. Bixby of St. Louis. The only previous edition, edited by Matthew L. Davis, 1839, contained many omissions and changes from the original. The present edition is not for sale.

The Walker, Evans, and Cogswell Co., of Charleston, have published a life of John C. Calhoun (1903, pp. 251), by Gustavus M. Pinckney, of the Charleston Bar. It purports to be a view of the principal events of Calhoun's career and an account of his contributions to economic and political science. Long extracts from Calhoun's writings constitute the larger portion of the volume.

The *Journal of the Military Service Institution of the United States* for November-December, contains Part I. of a narrative by James Reilly, late ordnance-sergeant, U. S. A., of his service in the Mexican War and in Florida during the years 1847–1857.

Another source-book, on a new principle, is *Great American Legislators*, by Howard W. Caldwell, of the University of Nebraska (Chicago, J. H. Miller, 1903). In this book the lives and deeds of Gallatin, J. Q. Adams, Clay, Webster, Calhoun, Sumner, Douglas, Seward, Chase, and Blaine are illustrated by a series of short selections, mostly from the writings of these men, connected by sufficient text to show the import of each selection. The book is intended for use in secondary schools.

The Library of Congress has published *A List of Lincolniana in the Library of Congress*, prepared by George Thomas Ritchie. It includes Lincoln's own writings as well as books and other writings relating to him, exclusive of periodical articles as such, and fills 75 large octavo pages. It is intended to serve rather as a check-list than as a bibliography.

"American Crisis Biographies" is the title of a series of lives of men who were prominent in Civil War times, which is projected by George W. Jacobs and Co., of Philadelphia. It is to be edited by Ellis P. Oberholtzer.

Volume 16 of Series I. of the *Official Records of the Union and Confederate Navies in the War of the Rebellion* (57th Cong. 2nd Sess. Ho. Doc. 477) is edited by Charles W. Stewart and contains the operations of the Gulf Blockading Squadron, June 7–December 15, 1861, and of the South Atlantic Blockading Squadron, October 1, 1864–August 8, 1865.

"Some Civil War Documents, 1862–1864," in the *Records of the American Catholic Historical Society of Philadelphia* for September, 1903, are printed from the manuscripts in the Library of Congress and

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consist of letters of Pius IX., Jefferson Davis, Judah P. Benjamin, and A. Dudley Mann relating to the papal efforts to secure peace in North America.

The third volume of papers read before the Massachusetts Military Historical Society (Boston, 1903) is devoted to discussions of the operations of the Army of the Potomac and of the Confederate Army of Northern Virginia from the autumn of 1862 to the winter of 1863. Antietam, Fredericksburg, Chancellorsville, and Gettysburg are discussed from both Union and Confederate points of view in some twenty papers by active participants in these campaigns.

A military autobiography notable for its style as well as its subject-matter is *The Story of a Soldier's Life*, by Field-Marshal Viscount Wolseley (two vols., Scribners, 1903), which will be reviewed in a subsequent issue. Of especial interest to American students are the chapters which relate the author's service in Canada between 1861 and 1870 and his visit to the Confederate headquarters in 1862. His descriptions of Lee and Jackson and his comments on the Confederate situation are noteworthy.

The third volume of Professor MacDonald's useful collection of documents covers the period from the outbreak of the Civil War to the beginning of the war with Spain. It bears the title, *Select Statutes and other Documents Illustrative of the History of the United States, 1861–1898* (Macmillan).

The First of the Hoosiers (Philadelphia, Biddle, 1903) is a series of reminiscences of Edward Eggleston by his brother George Cary Eggleston. It is not intended to be a formal biography but deals with different phases of his life and work.

Houghton, Mifflin, and Co. announce two important biographies: the *Life of Parkman* in the "American Men of Letters" series, by Henry D. Sedgwick, Jr., and a *Life of Governor Andrew of Massachusetts*, by Henry G. Pierson.

As might be inferred from its title, *The Thirty Years' War on Silver*, by A. L. Fitzgerald of the Supreme Court of Nevada (Chicago, Ainsworth and Co., 1903, pp. 364), is a belligerent book. After dealing with the various conceptions of money, the author discusses at some length the nature of money in the United States, giving particular attention to the constitutional provisions regarding it and contending that the clause making nothing but gold and silver legal-tender renders any demonetization of silver unconstitutional. He then carries the subject into the realm of ethics and patriotism, and in prose and verse points out the moral wrong done when a state changes its money and the manner in which such a wrong should be remedied.

Mr. Walter C. Ham, now United States consul at Hull, has presented to the library of Brown University a collection of about 200,000 newspaper clippings which he collected when on the editorial staff of the

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Philadelphia Press. The clippings cover a period of twenty years and relate to nearly all subjects of public discussion. Of especial note are the clippings relating to strikes and the Spanish War.

We have received *The Ship of State, by Those at the Helm* in "The Youth's Companion Series" (Ginn and Co., 1903). It contains some dozen sketches of the various phases of public service and governmental activity by such men as President Roosevelt, Senator Lodge, Justice Brewer, John D. Long, and others, written in an entertaining way well calculated to interest as well as instruct the average youth.

One of the most interesting books of the year bearing on American political history is Senator Hoar's *Autobiography of Seventy Years*, which will be reviewed in a future number. It is published by Charles Scribner's Sons in two large, handsome volumes.

At the request of Mr. Fiske's family, William Roscoe Thayer is engaged in preparing for publication the letters, journals, and memorials of the late John Fiske. With the correspondence will also be published a memoir of the historian. Mr. Thayer announces that the correspondence, so far as he has examined it, especially that with Darwin, Spencer, Huxley, and other British men of science, covers a very wide range of subjects and is possessed of great interest. Mr. Thayer will be under obligations to any one possessing letters or other papers written by John Fiske, who will lend him the originals or send copies to him at 8 Berkeley Street, Cambridge, Mass.

The Bureau of Statistics of the Department of Commerce and Labor has published a review of immigration into the United States, 1820–1903, showing numbers, nationality, sex, age, occupation, destination, etc., of the immigrants. This review is also to be found in the *Summary of Commerce and Finance* for June, 1903.

The following magazine announcements for 1904 are of interest: *Atlantic*: "Private Journal of Ralph Waldo Emerson," edited by his son; "The Diplomatic Intrigue for the Mississippi Valley," by Frederick J. Turner; "Prescott the Man," by Rollo Ogden; *Harper's*: papers on American diplomatic history by John Bassett Moore; *Scribner's*: "War of 1812," by Captain Mahan; four articles on European political problems of interest to America, by Frank A. Vanderlip; letters written from England during George Bancroft's ministry of 1846–1850 by Mrs. Bancroft; Jefferson's family letters; *Century*; "The Youth of Washington," an attempt by S. Weir Mitchell to write Washington's autobiography.

Bulletin 80 of the New York State Library, May, 1903, is the *Review of Legislation for 1902*. Noteworthy reviews are those by C. E. Merriam on "State Government," by Robert H. Whitten on "Law-making and Elections," by Delos F. Wilcox on "Local Government," and by John A. Fairlie on "Municipal Functions." *Bulletin 79* contains the *Comparative Summary and Index of Legislation* for the same year.

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If a reprint of Morton's *New England's Memorial* in facsimile was needed, the issue by the Club of Odd Volumes (Boston) should fill the want. Unfortunately the opportunity to make an index was passed, and the introduction by Arthur Lord rather confuses than enlightens. Ignorance of bibliographical authorities is hardly excusable in these days, and he has omitted to avail himself of some rich material to be found in Boston.

The proclamation of the Parliament of King Charles I., of 1643, which recites the difficulties of the "Pilgrims" both in England and in their settlement in Plymouth, has been reproduced in facsimile by the owner of the original document, Mr. Thomas Hart, Almay, 21 Stavordale Road, Highbury, London, N., from whom copies may be obtained.

A book that will be of special value to the teacher of American history and literature in the schools is Katharine M. Abbott's *Old Paths and Legends of New England* (Putnams, 1903). The volume is beautifully illustrated, is attractively written, contains a good map, and will be of considerable assistance in adding vitality to average text-book work. It will not be without its charm for the general reader.

We have received an address delivered before the New Hampshire Society of the Sons of the American Revolution, by Albert Stillman Batchellor, on "The Ranger Service in the Upper Valley of the Connecticut and the Most Northerly Regiment of the New Hampshire Militia in the Period of the Revolution," which contains much useful information about the service and personnel of the New Hampshire forces.

The *New Hampshire Historical Society Proceedings* (Vol. IV., Pt. 1, June, 1899–June, 1902), contains an account of the capture of Fort William and Mary, December, 1774, by Charles L. Parsons, and "The Scotch-Irish and Irish Presbyterian Settlers of New Hampshire," by Gordon Woodbury.

An encouraging phase of municipal activity from which, however, certain discouraging features are not absent, is manifested in the large two-volume *History of Concord, New Hampshire*, edited by J. O. Lyford, which was authorized by the city government and has just been published under the supervision of the City History Commission. It deals with every conceivable phase of Concord history, including the weather.

A History of Vermont, by Edward Day Collins (Ginn and Co., 1903), is a well-written text-book. It gives especial attention to social and industrial evolution without neglecting political development, is judiciously illustrated, and contains geological, geographical, and statistical notes, maps, a chronology, and a bibliography.

The story of Mary Dyer, the Quaker who was hanged on Boston Common, in 1660, is one of the most tragic incidents in a period of tragedies. Two letters of her husband, William Dyer, to the Massachusetts authorities, pleading in behalf of his wife, have been reproduced by the heliotype process in limited edition. The first letter, dated August 30, 1569,

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was found in the Chamberlain collection, Boston Public Library, about a year ago, and gave an entirely new aspect to the alleged wrong-doing of the martyr. A few copies of this reproduction are offered for sale by Dodd, Mead, and Company.

The *Proceedings* of the Massachusetts Historical Society for May and June, 1903, contains about sixty letters of the Rev. Dr. Richard Price, the Rev. Dr. Chauncey, Benjamin Franklin, Thomas Jefferson, Benjamin Rush, and Professor Winthrop, written between the years 1767 and 1790 and hitherto unpublished. Several of them contain detailed accounts of events in Boston and vicinity in 1775-1776. Nine letters from Benjamin Vaughn to the Earl of Shelbourne, written from Paris (October, 1782–January, 1783), are of considerable interest. Instructive comments are made by Professor Channing and Mr. William W. Goodwin as to the exact landing-place of the "Pilgrims."

In addition to the continuations the contributions to the *Historical Collections of the Essex Institute* for October, 1903, are seven letters from Manasseh Cutler to Francis Low, written in 1803–1805, while Dr. Cutler was representing the Essex district in Congress, and the first instalment of "English Notes about Early Settlers in New England," by Lothrop Withington.

The *Year Book of the Holland Society of New York* contains "Some Early Records of the Lutheran Church, New York," being the baptismal register, 1704–1723, and the marriage record, 1704–1772.

Volume IV. of the *Public Papers of George Clinton* covers the years 1780–1781 and contains many letters from General James Clinton, which reveal the discontent and suffering in the American army, and give full details of the fighting on the New York frontier. The papers are edited by the state historian, Hugh Hastings, and appear as an appendix to his third annual report.

In the University of Pennsylvania *Alumni Register* for July, 1903, is a report made by J. G. Rosengarten to the Board of Trustees relative to the collection of over 500 Franklin manuscripts recently added to the library of the University of Pennsylvania. The report shows that the papers cover a wide range of subjects and are in many cases of great interest and value. A long letter from Edmund Burke, of August 15, 1781, and a photographic reproduction of a letter from Robespierre of October 1, 1783, relative to the lightning rod, are printed with the report.

Aside from continuations *The Pennsylvania Magazine of History and Biography* for October contains a list of the generals of the Continental line and the facsimile of a commission, with critical notes by Simon Gratz; "Extracts from the Journal of Rev. James Sproat, Hospital Chaplain of the Middle Department, 1778," by John W. Jordan; a "Biographical Sketch of Luke Wells Brodhead"; excerpts from Mrs. Washington's "Book of Cookery," by Miss J. C. Wylie; and a sketch of the Fellowship Fire Company of Philadelphia, organized in 1738, with extracts from the minute-book, by John W. Jordan; the Journal of

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Lieut. Robert Barker of the Second Continental Artillery, 1779, by Thomas R. Bard (to be continued); and a list of Pennsylvania soldiers of the Revolution entitled to depreciation pay (to be continued). Among Notes and Queries is a list of the officers present, killed, or wounded in the Braddock expedition against Fort Duquesne, copied from the original manuscript among the Chew Papers, and including some names not mentioned by Sargent.

A new edition of James McSherry's *History of Maryland, 1634–1848*, has been published by the Baltimore Book Company. The history is edited and continued to the present time by Bartlett B. James.

Volume VI. of the *Records of the Columbia Historical Society* (Washington, 1903) contains four articles of some interest: "The Making of a Plan for Washington City," by Glenn Brown, which traces the sources of L'Enfant's plan; "Washington in Literature," by A. R. Spofford; "The Beginnings of Government in the District," by W. B. Bryan; and a "History of the City Post-Office," by Madison Davis.

The *Publications of the Southern Historical Association* for September, 1903, contains an article on "The Prescript of the Ku Klux Klan," by Walter L. Fleming; "The Expansion of the old Southwest," by S. B. Weeks, and the first part of "A Southern Traveller's Diary in 1840," being William H. Wills's journal of his travels from Tarboro to the south in 1840.

A new edition of Cooke's *Virginia* has been issued by Houghton, Mifflin, and Co. There seem to be no changes in the old text, except that in place of the chapter in the first edition on "Virginia since the War," there now appears a supplementary chapter dealing more fully with the same period, prepared by Mr. William Garrott Brown. This was worth doing and is well done.

The *William and Mary College Quarterly Historical Magazine* for October, 1903, contains the first instalment of a series of extracts from the *Virginia Gazette* of January–June, 1751; and selections from the correspondence of Judge N. B. Tucker with George E. Boswell, Thomas H. Benton, Duff Green, and others, between January, 1833, and September, 1837.

The *Lower Norfolk County Virginia Antiquary*, Volume IV., Part 2, contains a list of the slave-owners in Princess Anne County in 1780, and a summary of the numbers of white persons and of houses in the same county in 1785.

The forthcoming volume of the *Proceedings of the Massachusetts Historical Society* will contain forty-seven letters written by prominent Virginians to Jefferson, Madison, and Washington while the Federal Constitution was pending in Virginia. They were contributed by Worthington C. Ford, and comprise letters from Edward Carrington, Joseph Jones, William Grayson, Rev. James Madison, James McClurg, and John B. Cutting.

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Of most importance in *The West Virginia Historical Magazine* for October are an article by W. S. Laidley on "Pioneer Settlements of West Virginia," and a list of tithables in Kanawha County in 1792 together with a list of the names on the land books for 1791.

The South Atlantic Quarterly for October, 1903, contains "North Carolina's Part in the Revolution," by Sallie Joyner Davis, and "The Removal of Legal and Political Disabilities, 1868–1898," by J. G. De R. Hamilton.

The South Carolina Historical and Genealogical Magazine for October, 1903, is composed entirely of continuations with the exception of a genealogical contribution on "The Butlers of South Carolina," by Theodore D. Jervey.

Volume V., Part I. of *Collections of the Georgia Historical Society* contains the "Proceedings of the First Provincial Congress of Georgia, 1775," "Proceedings of the Georgia Council of Safety, 1775 to 1777," and an "Account of the Siege of Savannah, 1779, from a British Source."

The Filson Club has produced as *Publication No. 18* (Louisville, Ky., 1903) Bennett H. Young's *The Battle of the Thames, in which Kentuckians defeated the British, French and Indians, October 5, 1813, with a list of the officers and privates who were the victors.*

The American Historical Magazine and Tennessee Historical Society Quarterly for October, 1903, contains an article by George B. Guild on "Reconstruction Times in Sumner County"; the executive correspondence of James K. Polk, as governor of Tennessee, during February and March, 1840, and the Governor McMinn correspondence of 1815–1817, on the subject of Indian treaties.

Mr. William Beer, Librarian of the Howard Memorial Library of New Orleans, will exhibit at the St. Louis Exposition a collection of about 200 maps showing the development of the geographical knowledge of the northern shore of the Gulf of Mexico. In connection with this exhibit the state of Louisiana will publish as complete a list as possible of all known maps of Louisiana.

The important contributions in *The Gulf States Historical Magazine* for September, 1903, are the "Formation of the Union League in Alabama," by Walter L. Fleming; a brief memoir of Major George Farragut, father of the admiral, by Marshall De Lancey Haywood; "Early Records of Some of the Waltons of Virginia," by Mrs. Wm. C. Stubbs; and a list of the "Tennessee Newspaper Files in the Library of the American Antiquarian Society, Worcester, Mass." Three documents are printed: a letter from Wm. R. King to Jno. W. Womack, Washington, March 10, 1849, deals with the general political situation, while a letter from J. E. Simmons, Sardis, Miss., to Hugh McCulloch, March 31, 1866, deals with Reconstruction in Mississippi.

The library of the late Dr. J. L. M. Curry has been acquired by the Alabama Department of Archives and History, of which Mr. Thomas M.

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Owen is director. The library consists of several hundred volumes on American history, biography, genealogy, education, and the negro problem; its principal feature is a unique collection of about 2,500 pamphlets bearing on the history of Alabama and including the very rare journal of the Alabama convention of 1819.

The *National Geographic Magazine* for September, 1903, contains the journal of Ferdnando Del Bosque, Royal Standard-Bearer, in command of the expedition into Texas of April–June, 1675. It is translated by Betty B. Brewster from an unpublished Spanish manuscript.

Professor Theodore C. Smith has written for the new edition of King's *Ohio* a supplementary chapter on the history of that state since the Civil War (Houghton).

The "Old Northwest" Genealogical Quarterly for October, 1903, is devoted to the history of Worthington, Ohio, which celebrated its centennial last year. An autobiography of James Kilbourne is printed together with much material relating to the various phases of town history.

In *How George Rogers Clark Won the Northwest* (McClurg, 1903), Mr. R. G. Thwaites has gathered a series of papers on Western history hitherto printed either in popular magazines or in the *Wisconsin Historical Collections*. They have been carefully revised. The initial essay giving the title to the volume is probably the most valuable. It is worth while to make thus accessible an unembellished tale of Clark's achievements.

The *Ohio Archæological and Historical Quarterly* for October, 1903, contains sketches of Thomas Worthington, by Frank Theodore Cole, and of George Groghan, together with some of his correspondence with General W. H. Harrison, by Charles Richard Williams, also an article on "Pontiac's Conspiracy," by E. O. Randall.

Of especial interest to the student of early religious activity in the west is *The Life of Philander Chase* (New York, E. P. Dutton and Co., 1903, pp. xx, 341), by his granddaughter, Laura Chase Smith. This biography, while giving in briefer form the facts about the Bishop's life already made known in his *Reminiscences*, adds many new details. The story of his work as Bishop of Ohio from 1818 to 1831, and as Bishop of Illinois from 1835 until his death in 1852, and the account of his founding Kenyon and Jubilee Colleges are well told.

Ripley Hitchcock's *Building of the West* (Ginn and Co.) is in four parts: the first part relates the history of the Louisiana Purchase and the Spanish and French explorations, the second narrates the story of the Lewis and Clark expeditions, the third tells of the explorations of the west, while the fourth deals with the material development.

Volume II., Number 2, of the *Missouri Historical Society Collections*, contains a letter from Governor Claiborne F. Jackson to J. W. Tucker, of April 28, 1861, relating to Missouri's attitude towards secession, and "Early Recollections of Missouri," by Hon. Thomas Shackelford.

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The legislature of Wisconsin has made provision for the reprinting of the first ten volumes of *Wisconsin Historical Collections*, and Volumes I. and II. are already in press. Volume XVII., which completes the treatment of the French régime, has been delayed on account of the autumnal closing of the French archives in Paris, but will be issued shortly. In connection with the report of the fifty-first annual meeting of the State Historical Society an analytical index to the *Proceedings* from 1886 to 1900 will be published.

In June the University of Wisconsin will celebrate the fiftieth anniversary of its first commencement. The celebration will last for five days, and a feature of general interest, as planned, will be a series of addresses by distinguished European scholars representing various departments of university work.

The *Iowa Journal of History and Politics* for October, 1903, contains a long article on "Chief Justice Marshall as a Constructive Statesman," by Justice Emlin McClain, of the Supreme Court of Iowa, in which the author discusses the various constitutional principles established by Marshall's decisions. An interesting article by Harold M. Bowman on "Problems in the Administration of Iowa," is a summary of his monograph in the *Columbia Studies*; John W. Gannaway gives an account of the beginnings of political parties in Iowa during the years 1836–1856, in "The Development of Party Organization in Iowa."

The principal article in the *Annals of Iowa* for October, 1903, is by William Salter on "Iowa in Unorganized Territory of the United States, August 10, 1821–June 28, 1834," which devotes especial attention to the relations with the Indians.

The fourth volume of *The Messages and Proclamations of the Governors of Iowa* contains the messages and proclamations of Cyrus Clay Carpenter (1872–1876), Samuel Jordan Kirkwood (third term, 1876–1877), and Joshua Giddings Newbold (1877–1878). The fifth volume, which was published in December, covers the administrations of John Henry Gear and Buren R. Sherman.

The Abigail Adams Chapter (Iowa) of the Daughters of the American Revolution has decided to devote the year to marking the site of Fort Des Moines.

The Minnesota Historical Society will publish the diaries of Alexander Ramsey, who was territorial governor of Minnesota, state governor during the Civil War, and U. S. Senator. The diaries cover a period of sixty years and are said to be rich in historical material. Mrs. Furness, the daughter of Governor Ramsey, will prepare them for publication.

"Oregon and Its Share in the Civil War," by Robert Treat Platt, and "The Social and Economic History of Astoria," by Alfred A. Cleveland, are the noteworthy articles in *The Quarterly of the Oregon Historical Society* for June, 1903.

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The *Summary of Commerce and Finance* for July, 1903, contains an article on "Commercial Alaska, 1867–1903," which treats of its area, population, productions, railways, telegraphs, transportation routes, and its commerce with the United States and foreign countries.

Senate Document 74, 57th Congress, 2d Session, contains a bibliography of the Philippines, which is one of the most important and valuable bibliographical works of recent years.

Of considerable importance for Canadian history are J. S. Willison's *Sir Wilfred Laurier and the Liberal Party* (two vols., London, John Murray, 1903), and *Old Quebec — the Fortress of New France*, by Gilbert Parker and Claude G. Bryan (Macmillan, 1903). *Longman's Magazine* for November, 1903, contains the third part of Paul Fountain's "Canada in the Sixties."

The Bureau of the American Republics has printed a list of books, magazines, articles, and maps relating to Chile, prepared by P. Lee Phillips of the Library of Congress (Govt. Print. Off., 1903, pp. 110).

Among recent publications are to be noted *History of Louisiana*, by Charles Gayarré (fourth edition, with bibliography by William Beer. Four vols., New Orleans, Hansell and Bros., 1903); *Pioneer Spaniards in North America*, by W. H. Johnson (Boston, Little, Brown, and Co., 1903); *A Critical Study of the Dates of the Birth of Columbus*, by Henry Vignaud (London, Henry Stevens, 1903).

Noteworthy articles in magazines: John D. Baltz, *The Battle of Ball's Bluff*; Gen. W. Bishop, *Van Derveer's Brigade at Chickamauga*; and *Personal Narrative of an Officer in the Revolutionary War* (The United Service, July, September, October, and November, 1903); Henry Loomis Nelson, *Early American Pioneers*, I., *Champlain*; John R. Spears, *Beginnings of the American Navy* (Harper's, November and December); Charles W. Harvey, *Some Second Term Precedents* (Atlantic, December); Wayne MacVeagh, *The Venezuelan Arbitration and the Hague Tribunal* (North American Review, December); A. B. Hulbert, *Richard Henderson, the Founder of Transylvania* (Chautauquan, December); Arthur D. Cromwell, *The Source of Scientific Method in History* (School Review, October); Mrs. John Quincy Adams's *Narrative of a Journey from St. Petersburg to Paris in February, 1815*, introduction by Brooks Adams; H. C. Lodge, *The Senate*, an historical sketch (Scribner's, November); H. E. Belin, *The Civil War as seen Through Southern Glasses* (American Journal of Sociology, September); W. W. H. Davis, *Negro Suffrage in Pennsylvania in 1837* (Era Magazine, October); Barral Montferrat, *La Doctrine de Monroe et les Evolutions Successives de la Politique Étrangère des États-Unis* (Revue d'Histoire Diplomatique, October); Colonel Leblond, *Les États-Unis d'Amérique* (Revue de Géographie, November); Jeronimo Becker, *El Centenario de la Luisiana* (La España Moderna, May); Luigi Luzzatti, *Le Relazioni Economiche degli Stati Uniti con l'Italia* (L'Italia Coloniale).

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